

**Town of Union
PLAN COMMISSION SPECIAL MEETING
Minutes of September 14, 2011**

The Town of Union Plan Commission special working meeting was called to order at 7:02 p.m. on Wednesday, September 14, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Vice-Chairman Doug Zweizig, Dave Pestor, Eric Larsen, and Renee Exum. Clerk Regina Ylvisaker and Supervisor Kim Gruebling were also in attendance.

Tower and Antenna Ordinance Development

Regarding using both CUP and licensing methods, it is unclear in the Attorney's memo that both can be used together. The statement "...if the Town prefers the CUP approval process, there is no reason that a licensing ordinance could not reserve the license review process to the Plan Commission in the same manner as for review of a CUP..." is somewhat unclear on this issue and needs Attorney clarification.

Agreed by all to proceed as they have been and discuss the licensing issue once the ordinance is complete.

Eric Larsen brought up fencing around the guywires and tower base. Six foot fencing seems appropriate to him.

Motion to require a 6' chainlink fence with accessible, secured gate around base of the tower and each guywire anchor under Section 11 (5) made by Larsen/Francis. Motion carried by unanimous voice vote.

Agreed by all to change:

14.00 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 Town of Union Board of Adjustment as described in Section 10.0 of the Iowa County Zoning Ordinance.

To

14.00 Appeal Procedures. A person aggrieved by any decision of the Town of Union Board, regarding the siting of a telecommunications facility may file an appeal with the Town of Union Board of Adjustment as described in Section 17.21 of the Town of Union Code of Ordinances Chapter 17, Zoning.

The issue of licensing vs. CUP was discussed again with regard to the Attorney's memo on the issue. Renee Exum suggested getting through the review of the remainder of the existing document, and having attorney review of final product and attend a meeting to discuss license vs. CUP.

Exum brought up the issue of including findings of fact in the ordinance, as was done in the wind energy licensing ordinance. Legal counsel suggested when developing the wind ordinance that findings of fact be included as it was an important step for establishing the basis of the requirements of the ordinance. Exum has drafted a sample of the recitals for inclusion

and distributed for review. The first issue to discuss was what credible documents to cite in the recitals. Larsen and Pestor didn't feel that there were any credible studies, reports or documents regarding health concerns that should be cited. The WHO report Larsen distributed at the last meeting also supports this view. Alvin Francis cited other issues outside of health and safety such as effects on property values. Exum noted that other things such as FCC regulations could and should also be cited.

Kim Gruebling was concerned about established past practices with regard to the tower on Cty. M, which is much closer to the property line than the proposed setbacks in the ordinance they are developing. He also noted that he was on Board of Review and lots closer to that particular tower are valued higher than those in the same area but further away from the tower itself.

Motion to replace existing purpose and intent with the draft proposed by Exum, as well as including the recitals drafted by Exum, made by Francis/Zweizig. Motion carried by unanimous voice vote.

The approval of the bond provided by applicants as referenced in Section 8.00 shall be approved by the Town Board.

It was agreed by all to remove the Certificate of Completion definition from Section 2.00.

In Section 3.00 (4), "promptly removed" shall be defined as 120 days.

Regarding the annual information report, the tower on Cty M does not currently provide such a report.

Larsen would like notification when co-locators are added to a tower. Zweizig feels it is the responsibility of the tower owner to report the new tenants on the tower and provide required related information, i.e. compliance with FCC regulations.

Regarding setbacks, Larsen distributed information obtained from two local real estate agents, John Morning and Lori Allen, regarding lot values related to towers. Neither one felt there was any impact on values related to towers. The group would like a good neighbor agreement option for locating closer than setbacks require, but perhaps not within the fall zone. There is such a provision in the wind ordinance. Zweizig thinks that setbacks should be from property lines, not residences. Ensuring that towers don't fall across property lines is important.

Motion to change Section 12.00 (a) (2) to read that no tower greater than 199' in height be located closer than 1500' from property lines made by Larsen/Zweizig. Motion carried 4-1, Exum voting no.

Motion to change Section 12.00 (a) (2) to read that no tower greater than 199 feet in height be located closer than 1320 feet from property line made by Francis/Zweizig. Motion carried 4-1, Exum voting no.

Daria O'Connor is ok with a 1320' setback from property lines, but has concerns about 125% setback. She believes that fires may be an issue and in such instances towers may be too close at 125% setback. Regarding aesthetics and property value, O'Connor thinks that Morning may have a point that the towers don't pose an issue if you are surrounded by trees. She would prefer a 200% setback over 125%.

Larsen thinks that the result of the current setback requirements will be more 199' towers, which ultimately will result in more towers and more people being exposed to towers and radiation. If health concerns are really an issue for the group, he feels the Commission may be heading in the wrong direction with the current setback requirements.

The transfer of permits issue should be deferred to legal counsel. Exum will send new recitals, etc to Regina Ylvisaker for incorporation into the ordinance. The major question at this point is CUP vs. licensing. Gruebling recommends that the Commission have questions prepared for legal counsel ahead of time, if they plan to request his attendance at a meeting.

Motion to adjourn made by Larsen/Francis. Meeting sjourned at 10:07 p.m.

Attachment: 9.14.11 draft of Telecommunications Tower, Antenna and Facilities Siting Ordinance.

Respectfully submitted by Clerk Regina Ylvisaker.

Note: minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting.

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**Telecommunications Tower,
Antenna, and Facilities Siting
Ordinance of
Town of Union
Rock County, Wisconsin**

DRAFT 9.14.11

**Copies available from:
Town of Union
10831 N. Hwy. 14
Brooklyn, WI 53521
www.tn.union.wi.gov
(608) 882-0285
(608) 882-0285 fax
townofunion@dishmail.net**

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TABLE OF CONTENTS

1.00 Purpose and Intent
2.00 Definitions
3.00 Exempt from ~~County~~ **Town** Review
4.00 Areas Permitting Telecommunication Facility Location with Conditional Use
5.00 Areas Limiting Telecommunication Facility Location
6.00 Conditional Use Application
7.00 Annual Informational Report
8.00 Removal/Security for Removal
9.00 Non-Conforming Telecommunication Towers and Antennas
10.00 Compliance
11.00 Structural, Design and Environmental Standards
12.00 Separation and Setback Requirements
13.00 Permits
14.00 Appeal Procedures
15.00 Enforcement

48
49
50
51
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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 the Town of Union as set forth within the goals, objectives and policies of the Town of Union Zoning Ordinance and Town of Union Comprehensive Plan, to encourage managed development of telecommunications infrastructure, while at the same time facilitating the orderly development of needed telecommunications facilities ~~not unduly restricting the development of needed telecommunications facilities.~~

It is intended that the Town 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 Town of Union’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 Town citizens.
- (4) Protect environmentally sensitive areas of the Town of Union 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 (3)~~ or more providers.
- (6) Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Town of Union’s police, fire and emergency response network.

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 Town of Union Town Board declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof

92 irrespective of the fact that any one or more such provisions be declared unconstitutional
93 or invalid.

94 **2.00 Definitions.** For the purpose of this ordinance, the following terms and phrases shall
95 have the meaning ascribed to them in this section:

96
97 **Alternative Support Structure:** Clock towers, steeples, silos, light poles, buildings or
98 similar structures that may support telecommunication facilities.

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

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

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

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

112 **Applicant:** the individual or business entity that seeks to secure a permit/license under
113 this ordinance.

114 **Board:** The Town of Union Town Board, comprised of one (1) Town Chairman and two
115 (2) Town Supervisors. Positions are elected.

116 **Bond:** Any form of security including cash deposit, surety bond, collateral, property, or
117 instrument of credit in the amount and form satisfactory to governing body. All bonds
118 shall be approved by the Town Board wherever a bond is required by these regulations.

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

123 ~~**Certificate of Compliance:** NEED DEFINITION (THIS IS ISSUED BY THE~~
124 ~~BUILDING INSPECTOR UPON COMPLETION OF THE TOWER/ANTENNA)~~

125 **Commission:** The Town of Union Plan Commission.

126 **Carrier:** Entity that provides telecommunications services.

127 **Conditional Use:** A use of land which, while appropriate for inclusion within a given
128 district, possesses a high likelihood of creating problems with regard to nearby parcels of
129 land or the occupants thereof, and which are therefore permitted only subjected to the
130 fulfillment of conditions which effectively insure that no such problems will be created.

(ONLY INCLUDE IF CUPs ARE METHOD USED FOR ALLOWING TOWERS/ANTENNAS)

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.

License: NEED DEFINITION (ONLY INCLUDE IF LICENSES ARE METHOD CHOSEN FOR ALLOWING TOWERS/ANTENNAS)

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 ~~WI DNR~~ Wisconsin Department of Natural Resources.

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 Town of Union ordinances.

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

Operation: Means Other than just 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.

Property Line: the recognized and mapped property parcel boundary line.

Provider: Entity that provides a telecommunication facility.

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

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

179 **Setback:** The minimum horizontal distance between the lot line and the nearest point of a
180 building or any projection thereof, excluding uncovered steps.

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

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

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

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

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

199 **Town:** The Town of Union, Rock County, Wisconsin.

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

203 **3.00 Exempt from Town Review.** The following shall be permitted without regulation of this
204 ordinance, but may be under the regulatory jurisdiction of other county or local
205 ordinances, provided that the primary use of the property is not a telecommunications
206 facility and that the antenna use is accessory to the primary use of the property:
207

208 (1) The personal and non-commercial use of all television antenna and satellite dish.
209

- 210 (2) Amateur radio towers are exempt from the provisions of this ordinance, including
211 the installation of any antenna and supporting towers, poles and masts that is
212 owned and/or operated by a federally licensed amateur radio operator or is used
213 exclusively for receive-only antennas.
214
- 215 (3) Mobile services providing public information coverage of news events of a
216 temporary nature.
217
- 218 (4) The provisions of this ordinance shall not apply to the replacement of an existing
219 lawful tower providing communication services for the State of Wisconsin or any
220 of the State's political subdivisions on the same property as the existing tower
221 provided that both the existing tower and the replacement tower provide
222 communication services for the State of Wisconsin or any of its political
223 subdivisions. The existing tower must be completely removed from the site upon
224 construction of the replacement tower and the replacement tower shall not exceed
225 three hundred (300) feet in height. The replacement tower must continue to
226 provide communication services for the State of Wisconsin and/or any of its
227 political subdivisions during the life of said tower or the tower shall be promptly
228 removed **within one hundred twenty (120) days** or come into full compliance with
229 all requirements of this ordinance.
230

231 **4.00 Areas Permitting Telecommunication Facility Location with Conditional Use**
232 **Approval.** Telecommunications facilities may be considered as a Conditional Use
233 Permit only in the following zoning districts: ~~A 1, AR 1, AB 1, B 2, B 3 and B 4.~~ **A1,**
234 **A2, C1, C2, M1, SP.** Towers located in areas designated as conservation zone or scenic
235 view shed on the Town of Union Comprehensive Plan shall not exceed one hundred
236 ninety nine (199) feet.
237

238 **5.00 Areas Limiting Telecommunication Facility Location.** Telecommunication facilities
239 may be permitted as identified in Section 4.00 but are subject to review and approval of
240 the State Bureau of Aeronautics, ~~the Iowa County Airport Commission~~ and other
241 appropriate agencies.
242

243 **6.00 Conditional Use Application.** Locating and constructing a telecommunication tower or
244 a new alternative support structure, including the buildings or other supporting equipment
245 used in connection with said tower shall require a Conditional Use Permit. The Plan
246 Commission may ~~authorize the Office of Planning and Development to issue~~ **recommend**
247 **to the Town Board the issuance of** a Conditional Use Permit after review and a public
248 hearing, provided that such Conditional Use is in accordance with the purpose and intent
249 of this ordinance. Any granted Conditional Use Permit requires construction to begin
250 within twelve (12) months of the date of issuance and shall expire twenty-four (24)
251 months after issuance unless the facility permitted is completely constructed and a
252 Certificate of Compliance is issued as described in Section 13.00 of this ordinance
253

254 (1) **Submittal Information.** The applicant shall submit the completed Conditional
255 Use Permit Application Form to the Building Inspector for review of
256 completeness. When the Building Inspector determines the application is
257 complete, the applicant shall submit the application fee to the Town Treasurer.
258 The applicant may then submit fourteen (14) copies of the Conditional Use Permit
259 Application Form and attachments, and the fee payment receipt, to the Town
260 Clerk. The Town Clerk shall determine the Plan Commission meeting date upon
261 which the Commission will conduct a public hearing on the application according
262 to the established Plan Commission meeting calendar. The Town Clerk will
263 notify by mail all landowners of parcels within one thousand (1,000) feet of the
264 property in question and post a class 2 notice of the public hearing.

265
266 The Town Clerk shall notify all Commission members of the meeting and
267 provide copies of the Conditional Use Permit Application Form and attachments
268 to them. See Wisconsin Statutes §236 for a timeline for the Commission to
269 review the application.

270
271 For all telecommunication facilities, except exempt facilities as defined in
272 Section 3.00, the ~~Office of Planning and Development~~ Commission shall require
273 the following information to accompany every application. Said information
274 shall include, but may not be limited to:

- 275
276 (a) Completed conditional use application and fee, as set by Town Board
277 resolution.
- 278 (b) Original signature of applicant and owner (if the telecommunication
279 facility is collocated in an easement, the beneficiaries of the easement and
280 underlying property owner must authorize the application.).
- 281 (c) The identity of the carrier and/or provider and their legal status.
- 282 (d) The name, address and telephone number of the officer, agent and/or
283 employee responsible for the accuracy of the application.
- 284 (e) A plat of survey, showing the telecommunication facility boundaries,
285 tower, facilities, location, access, landscaping and fencing.
- 286 (f) A written legal description of the telecommunication facility site.
- 287 (g) In the case of a leased site, a lease agreement or binding lease
288 memorandum which shows on its face that it does not preclude the site
289 owner from entering into leases on the site with other provider(s) and the
290 legal description and amount of property leased.
- 291 (h) A description of the telecommunications services that the registrant
292 intends to offer and/or provide, or is currently offering or providing, to
293 persons, firms, businesses or institutions.
- 294 (i) Copies of approvals from the FCC and a statement that the facility
295 complies with the limits of radio frequency emissions standard set by the
296 FCC. The statement shall list the particular FCC Measured Permitted
297 Emissions (MPE) limit and the tested or design limit for the proposed
298 telecommunication facility.

- 299 (j) An alternatives analysis shall be prepared by the actual applicant or on
300 behalf of the applicant by its designated technical representative, except
301 for exempt facilities as defined in Section 3.00, subject to the review and
302 approval of the Commission, which identifies up to three (3) reasonable,
303 technically feasible, alternative locations and/or facilities which would
304 provide the proposed telecommunication service. The intention of the
305 alternatives analysis is to present alternative strategies which would
306 minimize the number, size, and adverse environmental impacts of facilities
307 necessary to provide the needed services to the Town. The analysis shall
308 address the potential for collocation and the potential to locate facilities as
309 close as possible to the intended service area. It shall also explain the
310 rationale for selection of the proposed site in view of the relative merits of
311 any of the feasible alternatives. Approval of the project is subject to the
312 decision making body making a finding that the proposed site results in
313 fewer or less severe environmental impacts than any feasible alternative
314 site. The Town may require independent verification of this analysis at the
315 applicant's expense.
- 316 (k) Plans indicating security measures (i.e. access, fencing, lighting, fire
317 prevention, etc.).
- 318 (l) ~~Shall include~~ A tabular and map inventory of all existing
319 telecommunications facilities ~~owned and/or operated by the applicant that~~
320 ~~are located within any of the incorporated municipalities, townships and~~
321 ~~unincorporated Iowa County~~ **the Town and within five (5) miles of the**
322 **boundary of the Town.** The inventory shall specify the location, height,
323 type, and design of each existing telecommunication facility, the ability of
324 the tower or antenna structure to accommodate additional collocation
325 antennas, and where applicable, the height of the alternative support
326 structures.
- 327 (m) If more than one (1) facility **is proposed**, a master plan for all related
328 facilities within the ~~unincorporated county limits of Iowa County~~ **Town**
329 ~~and within fifteen hundred (1500) feet~~ **five (5) miles** of the ~~County~~ **Town**
330 boundary.
- 331 (n) A report prepared by an engineer licensed by the State of Wisconsin
332 certifying the structural design of the tower and its ability to accommodate
333 additional antennas.
- 334 (o) An affidavit stating space will be made on the proposed tower for future
335 users, when technically possible, at a reasonable cost. Reasonable costs
336 shall be considered any fees, cost or contractual provisions required by the
337 owner that conform to terms standard in the industry and that do not
338 exceed the cost of new tower development.
- 339 (p) Such other information as the Plan Commission may reasonably require.
- 340 (q) ~~A written statement from the Town or Towns affected that the application~~
341 ~~does not conflict with any existing Town land use plan or ordinance.~~
- 342 (r) Proof of liability coverage.

343 (s) Certified statement from a radio frequency (RF) engineer showing the
344 coverage of the proposed facility.
345

346 (2) **Technical Review.** ~~The Iowa County Office of Planning and Development~~ **Town**
347 ~~may employ on behalf of the Town~~ an independent technical expert to review all
348 materials submitted including, but not limited to, those required under this Section
349 and in those cases where a technical demonstration of unavoidable need or
350 unavailability of alternatives is required. The applicant shall pay all the costs of
351 said review. The payment to the Town shall be due upon receipt of the invoice.
352 All invoices, fees and charges accumulated for the technical review and
353 administrative costs must be paid in full prior to the issuance of the Conditional
354 Use Permit.
355

356 (3) **Approval Process.** The Commission shall hold a public hearing on the
357 Conditional Use Permit application after publication of a class 2 notice thereof. If
358 no additional information is deemed necessary, the Commission will make a
359 recommendation to approve, approve with conditions, or reject the permit.
360 Written reasons shall be documented in the Clerk's minutes for rejection or the
361 imposition of conditions.
362

363 The applicant or applicant's designee shall attend the meeting and present the
364 proposed Conditional Use Permit Application to the Commission. Failure of the
365 applicant or its designee to attend the meeting or to provide a complete
366 Conditional Use Permit Application or required attachments may be used as
367 grounds for the Commission to recommend denial of the Conditional Use Permit.
368

369 The Town Clerk will issue a written Conditional Use Permit to the applicant.
370

371 (4) **Collocation.** All facilities shall make available a minimum of six (6) unused
372 spaces for collocation of other telecommunication facilities, including space for
373 these entities providing similar, competing services. A lesser number of spaces
374 may be allowed by the Commission based upon data supplied by applicant stating
375 six (6) spaces would be structurally and/or technically unfeasible. Collocation is
376 not required if the host facility can demonstrate that the addition of the new
377 service or facilities would impair existing service or cause the host to go offline
378 for a significant period of time. All collocated and multiple-user
379 telecommunication facilities shall be designed to promote facility and site sharing.
380 Telecommunication towers and necessary appurtenances, including but not
381 limited to parking areas, access roads, utilities and equipment buildings, shall be
382 shared by site users whenever possible.
383

384 Prior to installation of collocated facilities, a technical review will be performed
385 per Section 6.00 (4). Applicant must submit copies of approvals from the FCC
386 and a statement that the facility complies with the limits of radio frequency
387 emissions standards set by the FCC. The statement shall list the particular FCC

388 Measured Permitted Emissions (MPE) limit and the tested or design limit for the
389 proposed telecommunication facility.

390
391 The purpose of the co-location information report under this section is to provide
392 the Town of Union with accurate and current information concerning the
393 telecommunications facility tenants and providers who offer or provide
394 telecommunications services within the Town, to assist the Town in enforcement
395 of this ordinance. The Town Clerk will give a thirty (30) day notice prior to the
396 annual deadline of these requirements.

397
398 (a) **Annual Co-Location Information Report.** All telecommunications tower
399 tenants of any new or existing telecommunication tower shall submit
400 annually on or before January 31 of each year, to the Town Clerk, a
401 Telecommunications Facility Annual Co-Location Information Report. This
402 annual report shall include the tenant name(s), address(es), phone number(s),
403 contact person(s), and annual review fee. The tenant shall certify that their
404 co-location on the tower is still being used. This information shall be
405 submitted on a Town form, designated for such use, and shall become
406 evidence of compliance.

407
408 (b) **Annual Co-Location Information Report Fee.** Following the Conditional
409 Use Permit approval, every year thereafter the tower tenants shall submit, on
410 or before January 31 of each year, to the Town Treasurer the annual review
411 fee of Two Hundred Fifty Dollars (\$250), plus actual professional fee costs
412 incurred, per tower site. Professional fees will cover radio frequency
413 emissions review by a professional selected by the Town, to ensure
414 compliance with FCC regulations. The fee submittal is the responsibility of
415 each tower tenant.

416
417 (c) **Failure to Provide Information/Fee.** Failure to provide this information or
418 fee shall result in a daily civil forfeiture until the information is received by
419 the Town Clerk and Town Treasurer.

420
421 (4) **Conditions to Granting Conditional Use Permits.** For each Conditional Use
422 Permit approved by the Commission the applicant shall submit a fee set by Town
423 Board Resolution before the Conditional Use Permit will be issued. The granting
424 of each Conditional Use Permit by the Commission shall be conditional and the
425 applicant shall submit the following to the Commission's satisfaction before the
426 Conditional Use Permit will be issued:

- 427 a) Copies of the determination of no hazard from the Federal Aviation
428 Administration (FAA) including any aeronautical study determination or
429 other findings and the Wisconsin Bureau of Aeronautics, if applicable.
430 b) Copies of any Environmental Assessment (EA) reports on Form 600 or
431 Form 854 **submitted by the applicant or on behalf of the applicant** to the
432 FCC, if applicable.

- c) Copies of any filings relating to any telecommunications facility located in the Town submitted **by the applicant or on behalf of the applicant** to the FCC shall be submitted within **thirty (30)** days of filing.
- d) Copies of Finding of No Significant Impacts (FONSI) statement from the FCC, if applicable.
- e) NIER (non-ionizing electromagnetic radiation) exposure studies.
- f) Application for a Town of Union **Conditional Use zoning** Permit with applicable fee.
- g) **The consideration of the application will also include standards applicable to Conditional Uses in the Town of Union Code of Ordinances, Chapter 17 Zoning, Section 17.18 (6).**

7.00 Annual Information Report.

The purpose of the annual report under this section is to provide the Town of Union with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the Town, or that own or operate telecommunications facilities within the Town, to assist the Town in enforcement of this ordinance. ~~The Office of Planning & Development~~ **Town Clerk** will give a **thirty (30)** day notice prior to the annual deadline of these requirements.

(a) Annual Information Report. All telecommunications tower owners of any new or existing telecommunication tower shall submit annually on or before January 31 of each year, to the ~~Office of Planning & Development~~ **Town Clerk**, a Telecommunications Facility Annual Information Report. This annual report shall include the tower owner name(s), address(es), phone number(s), contact person(s), annual review fee and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy. The tower owner shall certify that the tower is still being used. This information shall be submitted on a **Town** ~~county~~ form, designated for such use, and shall become evidence of compliance.

(b) Annual Information Report Fee. Following the Conditional Use Permit approval, every year thereafter the tower owners shall submit, on or before January 31 of each year, to the ~~Office of Planning & Development~~ **Town Treasurer** the annual review fee of **Two Hundred Fifty Dollars (\$250), plus actual costs incurred**, per tower site. Professional fees will cover Radio frequency emissions review by a professional selected by the Town, to ensure compliance with FCC regulations. The fee submittal is the responsibility of each tower owner.

(c) Failure to provide this information **or fee** shall result in a daily civil forfeiture until the information is received by the ~~Office of Planning & Development~~ **Town Clerk and Town Treasurer.**

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8.00 Removal/Security for Removal.

- (1) **Removal.** It is that express policy of the Town of Union 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 **Town Board 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 ninety (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 **to the Town Clerk. At the date of the FCC notice at which point** said ninety (90) day removal period shall begin.
- (2) **Security for Removal.** The telecommunications provider shall provide to the Town of Union, prior to the issuance of the Conditional Use Permit or the issuance of a ~~zoning~~ **Conditional Use** Permit for a new facility that includes a tower, a performance bond in ~~the~~ **an amount as determined by the Town Engineer of Twenty-five Thousand Dollars (\$25,000)** to guarantee that the telecommunications facility will be removed when no longer in operation. The Town of Union 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 Town and, if it is determined to be insufficient in amount to cover the entire costs of removing the affected telecommunication facility, the Town shall assign a new amount which the facility owner shall be required to provide.

9.00 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 Town of Union ~~Zoning~~ **Conditional Use** Permit per section 13.00 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)

10.00 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 **Town**

- 522 ~~Board Office of Planning and Development~~ that the facility will be
523 brought into compliance within one hundred twenty (120) days;
- 524 (b) The permittee has failed to comply with the conditions of approval
525 imposed;
- 526 (c) The facility has not been properly maintained
- 527
- 528 (2) **Abandonment.** Any antenna or tower that is not operated for a continuous period
529 of six (6) months shall be considered abandoned. In such circumstances, the
530 following shall apply:
- 531 (a) The owner of such antenna or tower shall remove said antenna and or
532 tower including all supporting equipment and building(s) within one
533 hundred-twenty (120) days of receipt of notice from the ~~Office of Planning
534 and Development~~ **Town** notifying the owner of such abandonment. If
535 removal to the satisfaction of the ~~Town Board Office of Planning and
536 Development~~ does not occur within said one hundred-twenty (120) days,
537 the ~~Town Board Iowa County Corporation Counsel~~ may order removal
538 utilizing the established bond as provided under Section 8.00 and salvage
539 said antenna or tower and all supporting equipment and building(s). If
540 there are two (2) or more users of a single tower, then this provision shall
541 not become effective until all operations of the tower cease.
- 542 (b) The recipient of a Conditional Use Permit for a telecommunications
543 facility under this ordinance shall notify the ~~Town Clerk Office of
544 Planning and Development~~ when the facility is no longer in operation by
545 providing a copy of the notice to the FCC of intent to cease operations. **At
546 the date of the FCC notice** ~~at which point~~ said ninety (90) day removal
547 period shall begin.
- 548

549 **11.00 Structural, Design and Environmental Standards.**

550

- 551 (1) **Tower, Antenna and Facilities Requirements.** All telecommunication facilities,
552 except exempt facilities as defined in Section 3.00, shall be designed to blend into
553 the surrounding environment to the greatest extent feasible. To this end, all of the
554 following measures shall be implemented:
- 555 (a) All telecommunication facilities shall comply at all times with all FCC
556 rules, regulations, and standards. To that end no telecommunication
557 facility or combination of facilities shall produce at any time power
558 densities in any inhabited area that exceed the FCC adopted standard for
559 human exposure, as amended, or any more restrictive standard
560 subsequently adopted or promulgated by the Federal Government. All
561 telecommunication tower and antenna shall meet or exceed current
562 standards and regulations of the Federal Aviation Administration (FAA),
563 the Wisconsin State Bureau of Aeronautics, the Occupational Safety and
564 Hazard Association (OSHA), the FCC and any other agency of the State
565 and/or Federal Government with the authority to regulate towers and
566 antennas;

- 567 (b) Telecommunication towers shall be constructed out of metal or other
568 nonflammable material, unless specifically conditioned by the Town to be
569 otherwise;
- 570 (c) Parabolic antennas shall be situated as close to the ground as possible to
571 reduce visual impact without compromising their function;
- 572 (d) Telecommunication support facilities (i.e., vaults, equipment rooms,
573 utilities, and equipment enclosures) shall be constructed out of
574 nonreflective materials (visible exterior surfaces only).
575 Telecommunication support facilities shall be no taller than one (1) story
576 or fifteen feet (15) in height, measured from the original grade at the base
577 of the facility to top of structure, and shall be designed to blend with
578 existing architecture in the area and shall be screened from sight by mature
579 landscaping, and shall be located or designed to minimize their visibility;
- 580 (e) All buildings, poles, towers, antenna supports, antennas, and other
581 components of each telecommunications facility shall be initially painted
582 and thereafter repainted as necessary with a “flat” paint so as to reduce
583 visual obtrusiveness and blend in to the natural setting and environment.
584 Where evidence is accepted by the Commission that construction materials
585 will be of sufficient non-glare characteristic and will blend into the natural
586 setting and environment, painting requirements may be waived;
- 587 (f) All telecommunications towers shall be designed to collapse within a
588 designated fall-down radius. The fall-down radius for a
589 telecommunications tower shall be contained within the leased parcel;
- 590 (g) The fall-down radius shall equal one hundred and twenty-five (125)
591 percent of the tower height, unless an engineering certification shows that
592 in the event of collapse, the telecommunication tower is designed to
593 collapse within a smaller area;
- 594 (h) Telecommunications support facilities shall be the only structure, building,
595 or use allowed within the fall-down radius. An open-space use provided
596 for in the existing zoning district, as determined by the ~~Commission Office~~
597 ~~of Planning and Development~~, may be allowed by said office only after
598 written request by the applicant;
- 599 (i) Telecommunications towers and antennas shall be designed and
600 constructed in accordance with the State of Wisconsin Uniform Building
601 Code, National Electrical Code, Uniform Plumbing Code, Uniform
602 Mechanical Code, and Uniform Fire Code, ~~Town of Union Land Division~~
603 ~~Subdivision Ordinance~~, ~~Town of Union Zoning Ordinance~~, ~~Town of~~
604 ~~Union Building Code~~, ~~Iowa County Sanitary Ordinance~~, Electronic
605 Industries Association (EIA), American National Steel Institute Standards
606 (ANSI), American National Standards Institute (ANSI), and Electronic
607 Industry Assoc/Telecommunication Industry Association (EITT/TIA) 222-
608 E. 3. , as amended, where applicable;
- 609 (j) The Town shall have the authority to require special design of the
610 telecommunication facilities where findings of particular sensitivity are

- 611 made (e.g. proximity to historic or aesthetically significant structures,
612 views and/or community features);
- 613 (k) A radio frequency radiation emission test report, to demonstrate
614 compliance with FCC adopted standards, shall be required for all rooftop
615 antennas and other antennas which are less than thirty (30) feet above the
616 original grade;
- 617 (l) The maximum height of an antenna platform located on a rooftop shall be
618 ten (10) feet above the roof. All platforms shall be screened by parapet or
619 other approved methods from all public and private road right of ways,
620 recreational areas, and adjacent residential district or uses;
- 621 (m) Telecommunications facilities located on roofs shall not occupy more than
622 fifty (50) percent of the roof surface of a building and shall be secured
623 from the remaining roof area to prevent unauthorized access;
- 624 (n) A report prepared by an engineer licensed by the State of Wisconsin
625 certifying the structural design of the tower and its ability to accommodate
626 additional antenna shall be included with any application;
- 627 (o) Telecommunication facilities shall not interfere with or obstruct existing
628 or proposed public safety, fire protection or Supervisory Controlled
629 Automated Data Acquisition (SCADA) operation telecommunication
630 facilities. Any alleged interference and or obstruction shall be corrected
631 by the applicant at no cost to the Town;
- 632 (p) No advertising message or sign shall be affixed to any tower or antenna.

633

634 (2) ~~**Height.** The height of a telecommunication tower shall be measured from the~~
635 ~~original grade at the base of said tower to the highest part of the tower itself. In~~
636 ~~the case of building mounted towers the height of the tower includes the height of~~
637 ~~the portion of the building on which it is mounted. In the case of “crank up” or~~
638 ~~other similar towers whose height can be adjusted, the height of the tower shall be~~
639 ~~the maximum height to which it is capable of being raised. In no instance shall a~~
640 ~~telecommunication tower, or any attachment to, exceed 300 feet in height.~~

641 (2) **Height.** Height of all telecommunications towers shall be limited to no more than
642 one hundred ninety nine (199) feet above original grade, unless the applicant can
643 demonstrate to the satisfaction of the Commission that a greater height is
644 necessary to provide coverage meeting the minimum requirements of the FCC
645 license(s) and that no feasible alternative exists to provide coverage, such as co-
646 locating on existing telecommunications towers or alternative support structures,
647 constructing a new tower in a different location or constructing multiple towers of
648 a shorter height.

649 (3) **Lighting.** Telecommunications facilities shall not be artificially lighted unless
650 required by the Federal Aviation Administration (FAA) or other applicable
651 regulatory authority. If lighting is required, the lighting design which would cause
652 the least disturbance to the surrounding views shall be chosen.

653 (4) **Site Development, Roads and Parking.** All new telecommunication facilities
654 located on a leased parcel shall maintain a minimum leased parcel size of five

655 thousand (5000) square feet in size. The entire fall-down radius shall be
656 contained within the leased parcel, said fall-down radius being determined under
657 Section 11.00(1)(g) of this ordinance. All new telecommunication facilities
658 located on a parcel owned by the telecommunication carrier and/or provider shall
659 meet the minimum size requirement of the zoning district. Telecommunication
660 facilities sites shall not be used for the outside storage of materials or equipment,
661 or for the repair or servicing of vehicles or equipment. All sites must be served by
662 a minimum fifty (50) foot wide easement with a turn around and shall use existing
663 access points and roads whenever possible. The access point to the site shall be
664 approved by the ~~Rock County Iowa County~~ Highway Department, State of
665 Wisconsin Department of Transportation, or the ~~Town of Union~~ applicable
666 ~~Township~~ depending on road jurisdiction. All grounds within the
667 telecommunication facility shall be mowed and cleared of noxious vegetation and
668 so maintained as to not create a visual or physical nuisance.

669 (5) **Vegetation Protection and Facility Screening:**

- 670 (a) Except exempt facilities as defined in Section 3.00, all
671 telecommunications facilities shall be installed in such a manner so as to
672 minimize disturbance to existing native vegetation and shall include
673 suitable mature landscaping to screen the facility, where necessary. For
674 purposes of this section, “mature landscaping” shall mean trees, shrubs or
675 other vegetation of a size that will provide the appropriate level of visual
676 screening immediately upon installation.
- 677 (b) Upon project completion, the owner(s)/operator(s) of the facility shall be
678 responsible for maintenance and replacement of all required landscaping
679 during the most current growing season.
- 680 (c) Facility structures and equipment, including supporting structures, shall be
681 located, designed and screened to blend with the existing natural or built
682 surroundings, so as to reduce visual impacts.

683
684 (6) **Fire Prevention.** All telecommunication facilities shall be designed and operated
685 in such a manner so as to minimize the risk of igniting a fire or intensifying one
686 that otherwise occurs. To this end all of the following measures shall be
687 implemented for all telecommunication facilities, except exempt facilities as
688 defined in Section 3.00:

- 689 (a) At least one (1) hour fire resistant interior surfaces shall be used in the
690 construction of all buildings;
- 691 (b) Monitored automatic fire extinguishing systems shall be installed in all
692 equipment buildings and enclosures;
- 693 (c) Rapid entry KNOX systems shall be installed as required;
- 694 (d) All tree trimmings and trash generated by construction and operation of
695 the facility shall be removed from the property and properly disposed of

696
697 (7) **Noise and Traffic.** All telecommunication facilities shall be constructed and
698 operated in such a manner as to minimize the amount of disruption caused to

699 nearby properties. To that end all the following measures shall be implemented
700 for all telecommunication facilities, except exempt facilities as defined in Section
701 3.00:

- 702 (a) Noise producing construction **and routine maintenance** activities shall only
703 take place on weekdays (Monday through Saturday, non-holiday) between
704 the hours of 6:00 a.m. and 6:00 p.m.; and
- 705 (b) Backup generators shall only be operated during power outages and for
706 testing and maintenance purposes; and
- 707 (c) **Maintenance related to outages is allowed at any time. The Town Board**
708 **Chairman shall be notified of any outages requiring maintenance.**

709
710 **12.00 Separation and Setback Requirements.** Separation from off-site uses for all
711 telecommunication towers shall be located in accordance with the following standards:
712 (except exempt facilities as defined in Section 3.00)

713
714 (1) **Minimum Separation between Telecommunication Towers (by tower type).**

715

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

720
721 Camouflaged towers are exempt from separation between towers requirement listed
722 above.

723
724 Separation between towers requirements may be waived by the Commission provided:

- 725 (a) The applicant provides sufficient data to justify the spacing requirements
726 cannot be met for technical reasons, and
- 727 (b) An alternative site cannot be more than one hundred (100) feet from an
728 existing tower.

729
730 (2) **Setbacks.** All setbacks shall be measured from the base of the tower or structure
731 to the applicable property line ~~or structure.~~

732 (a) **Setbacks from property lines all residential uses; residential districts.**
733 All new towers shall be setback **as follows:** ~~a distance equal to two~~
734 ~~hundred (200) feet or two hundred (200) percent of the height of the tower,~~
735 ~~whichever is greater.~~

- 736 1. ~~Towers shall not be located within five hundred (500) feet of any~~
737 ~~residence other than the residence on the parcel on which the tower~~
738 ~~is to be located. Towers less than one hundred ninety nine (199)~~
739 ~~feet or less in height shall not be located within one hundred~~
740 ~~twenty five (125) percent of the tower height of any property line.~~
741 ~~one thousand (1,000) feet of any residence other than the residence~~
742 ~~on the parcel on which the tower is to be located, and~~

- 743 2. Towers greater than one hundred ninety nine (199) feet in height
 744 shall not be located within one thousand three hundred twenty
 745 (1,320) feet of any property line. ~~other than the residence on the~~
 746 ~~parcel on which the tower is to be located.~~
- 747 3. When located on contiguous lands also containing a residence, the
 748 setback from any single family residence on adjacent property shall
 749 be no less than that from the residence on the property on which
 750 the tower is to be located, unless it can be shown that this section
 751 would preclude any tower meeting the applicant's needs from
 752 being located on said lands. For the purpose of this chapter,
 753 contiguous lands shall include adjacent parcels separated by public
 754 highway, whether dedicated or by easement.
- 755 4. Any of the above setbacks can be waived by owners of adjacent
 756 properties. Such waivers shall be evidenced by written
 757 documentation submitted with the application for Conditional Use
 758 Permit and filed with the Rock County Register of Deeds.
- 759 ~~5. Towers shall not be located within one thousand (1,000) feet of any~~
 760 ~~single family dwelling within a rural cluster or a platted~~
 761 ~~subdivision. This standard shall not apply when either the rural~~
 762 ~~cluster or the proposed tower site are zoned B-2, B-3, or M-1.~~
- 763 (b) ~~Setbacks from all historic sites and districts. All new towers shall be~~
 764 ~~setback a distance equal to two hundred (200) feet or two hundred (200)~~
 765 ~~percent of the height of the tower, whichever is greater.~~
- 766 (c) **Setbacks from all streets and private and public road right of ways.**
 767 All new towers shall be setback from all road right of ways, public and
 768 private, a distance equal to one hundred twenty five (125) percent of the
 769 tower height. ~~This setback may be reduced to one half the height of the~~
 770 ~~tower if the applicant submits a report stamped by a professional engineer~~
 771 ~~registered in the State of Wisconsin that certifies that the tower is designed~~
 772 ~~and engineered to collapse upon failure within the distance from the tower~~
 773 ~~to the property line or right of way.~~
- 774 (d) **Setback from the Ordinary High Water Mark (OHWM).** All new
 775 towers shall be setback a minimum of seventy-five (75) feet from the
 776 OHWM of a navigable stream and a minimum two hundred (200) percent
 777 of the tower height from the OHWM of a navigable lake.
- 778 (e) **Setback from overhead power lines.** All new towers shall be setback a
 779 distance equal to their height **of one hundred twenty five (125) percent of**
 780 **the tower height** from an overhead power line with a voltage exceeding
 781 seven hundred fifty (750) volts.
- 782 (f) ~~Setback from all other allowable uses involving a structure in the~~
 783 ~~zoning district. All new towers shall be setback a distance equal to one~~
 784 ~~hundred (100) feet or one hundred twenty five (125) of the height of the~~
 785 ~~tower, whichever is greater.~~
- 786 (g) **Guy Wires Setback.** All guy wires shall be at least fifty (50) feet from all
 787 owned or leased property lines.

788
789 **13.00 Permits.** A Town of Union **Conditional Use zoning** Permit is required from the **Town**
790 **Board Office of Planning and Development** under this ordinance for the location of all
791 telecommunication facilities, except exempt facilities as defined in Section 3.00. The
792 applicant shall submit information required under Section 6.00(1), Conditional Use **Permit**
793 application as appropriate for the proposed project, ~~except the conditional use application~~
794 ~~and fee~~. Facilities proposed to be collocated on facilities previously approved under this
795 Ordinance shall be exempt from submitting information required under Section 6.00(1),
796 but shall be required to submit a **Conditional Use zoning** Permit application **with**
797 **appropriate fee** for review and approval. Any proposed tower and accessory structures
798 may also be required to obtain permits under the provisions of other county or local
799 ordinances. A **Conditional Use zoning** Permit fee shall be set by Town Board Resolution.
800 Any granted **Conditional Use zoning** Permit shall be contingent upon the applicant
801 submitting a removal assurance that meets with Town approval, per the terms of Section
802 8.00 of this ordinance.

803
804 No telecommunication facility or any part thereof hereafter erected, altered or moved
805 shall be used until a Certificate of Compliance is issued by the **Building Inspector Office**.
806 The Certificate of Compliance shall show that the facility conforms to the provisions of
807 this ordinance. Application for such Certificate shall be concurrent with the application
808 for a **Conditional Use zoning** Permit, although it is the responsibility of the applicant to
809 notify the **Building Inspector Office** for inspection.

810
811 The ~~Office~~ **Building Inspector** shall, within ten (10) working days after receipt of such
812 notification from the applicant, issue a Certificate of Compliance only if the facility
813 conforms with all the requirements of this ordinance.

814
815 **(1) Permitted Uses:**

- 816 (a) Locating an antenna that adds no more than fifty (50) feet to the height of
817 an alternative tower structure, including placement of additional buildings
818 or other supporting equipment used in connection with said antenna.
- 819 (b) Installing an antenna on an existing tower that adds no more than fifty (50)
820 feet to the height of the existing tower, including placement of additional
821 buildings or other supporting equipment used in connection with said
822 antenna.
- 823 (c) Existing non-conforming and conforming telecommunication towers,
824 antennas and facilities may be increased one time during the life of the
825 tower a maximum of fifty (50) feet in order to accommodate collocation.
826 A telecommunication tower which is being relocated or reconstructed to
827 accommodate collocation may be relocated within fifty (50) feet of its
828 existing location, with the review and approval of a **Conditional Use**
829 **zoning** Permit from the ~~Office of Planning and Development~~ **Town Board**
830 and shall be exempt from all other provisions of this ordinance, except that
831 a new structure shall maintain the required fall-down radius and required

832 setbacks. Routine maintenance and repair on telecommunications
833 facilities is permitted.

- 834 (d) **Facilities on ~~County~~ **Town-Owned Property.**** The Town of Union
835 Board and the Plan Commission encourages the location of new
836 telecommunication facilities and the collocation of telecommunications
837 facilities on Town-owned properties, provided that the operation of said
838 facilities will not disrupt normal Town or any municipalities public service
839 use communication or operations and the proposal complies with the
840 provisions of other local and county ordinances. The Town Board from
841 time-to-time may establish standards, separate from this ordinance,
842 relative to the location of telecommunication facilities on Town-owned
843 properties.

844
845 **(2) Transfer of Permits**

846 A valid permit may be transferred from one tower owner to another only after
847 submittal of a permit transfer form to the Office of Planning and Development.
848 The fee for a transfer permit shall be Two Hundred Fifty Dollars (\$250).
849

850 **14.00 Appeal Procedures.** A person aggrieved by any decision of the ~~Iowa County Office of~~
851 ~~Planning and Development or its supervising committee~~ Town of Union Board,
852 regarding the siting of a telecommunications facility may file an appeal with the Town
853 of Union Board of Adjustment as described in Section ~~10.0~~ 17.21 of the ~~Iowa County~~
854 ~~Zoning Ordinance.~~ Town of Union Code of Ordinances Chapter 17, Zoning.
855

856 **15.00 Enforcement**

857
858 It shall be unlawful to construct or use any telecommunication facility in violation of
859 any of the provisions of thiso. In case of any violation, any person who would be
860 specifically damaged by such violation may institute appropriate action or proceeding to
861 enjoin a violation of this ordinance.
862

863 The ~~Office of Planning and Development~~ **Building Inspector** is hereby authorized to
864 issue a Cease Work Order for any construction that has commenced in violation with
865 the provisions of this ordinance. The Cease Work Order shall be accompanied by a
866 notice of the provisions in violation, options for compliance and a date on which
867 compliance shall be achieved. Failure to achieve compliance shall be prosecuted to the
868 fullest extent of law.
869

870 Violations may be pursued by either the issuance of a citation, referral to the District
871 Attorney's Office as a formal complaint or both.
872

873 Any person, firm, or corporation who fails to comply with the provisions of this
874 ordinance shall, upon conviction thereof, forfeit no less than Ten Dollars (\$10.00) nor
875 more than Five Hundred Dollars (\$500.00) and costs of prosecution for each violation
876 and in default of payment of such forfeiture and costs shall be imprisoned in the County

877 Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation
878 exists or continues shall constitute a separate offense.

879
880 In the case where a citation is issued, the payment of the forfeiture shall not constitute
881 compliance nor shall said payment bar the issuance of further citations, provided the
882 violation remains.

883
884