

**ORDINANCE NO. 2011-03  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION  
OF TOWERS AND ANTENNAS IN THE TOWN OF UNION**

RECITALS

1. For the purposes of this ordinance, “towers and antennas” are defined as any outdoor structure designed and constructed primarily for the purpose of supporting one (1) or more transmitting or receiving devices for telephone, radio or any similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. The following shall not be considered “towers or antennas.”:
  - a) Any citizens band or amateur radio station antenna;
  - b) A ground or building mounted citizen band radio antenna less than forty (40) feet in height or an amateur radio antenna not more than seventy-five (75) feet in height, provided there is adequate clearance with adjacent structures;
  - c) Satellite dish type antenna or a conventional type television antenna for the exclusive use of a residential dwelling;
  - d) Mobile news or public information service antennas;
  - e) Hand-held communication devices such as walkie-talkies, cell phones and similar type devices;
  - f) Antenna owned by a public agency or its members used for emergency services public utilities, operations or maintenance services.
2. There is an interest in establishing towers and antennas in the Town of Union.
3. There is a concern that current Town ordinances do not adequately address issues relating to towers and antennas. These issues include the appropriate locations for such towers and antennas, a review and permitting process, and the conditions under which they may be allowed within the Town, including structural and construction requirements, co-location, setbacks, visual impacts, and height limitations.
4. The Town Board has determined there is a need to study these and other issues to determine what regulatory controls may need to be adopted to protect the public health, safety, and welfare. The Town Plan Commission has been directed by the

Town Board to conduct studies to make such determinations, but additional time is required for this purpose before proposals for amendments to Town zoning codes can be prepared and considered at a public hearing.

5. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for towers and antennas, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401 and Federal law.
7. On March 31, 2011, the Town Plan Commission conducted a public hearing, preceded by publication of a Class 2 notice, regarding what process the Town should use to study and develop a tower and antenna licensing ordinance, and whether the Town should maintain a temporary stay on the construction of towers and antennas while the Town is developing and adopting a tower and antenna licensing ordinance. The Plan Commission recommended a process that will take approximately 6 (six) months, and has recommended that a 6 (six) month temporary stay be adopted on the construction of towers and antennas.
8. On April 12, 2011, the Town Board conducted a public hearing on this matter, preceded by publication of a Class 2 notice, and agrees with the Plan Commission's recommendations regarding the process that should be followed to develop an ordinance, and believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, Section 3 of the Wisconsin Constitution, §§60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

*SECTION 1. Temporary Tower and Antenna Stay.*

There is hereby established a temporary stay on the construction of towers and antennas in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any towers or antennas or parts thereof, and the Town shall not accept or process any applications relating to the proposed construction of any towers or antennas.

*SECTION 2. Duration.*

This temporary stay shall expire at 11:59 p.m. on OCT. 12, 2011.

*SECTION 3. Inconsistent Ordinances Voided.*

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4. Scope.*

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5. Exceptions*

The temporary stay shall not apply to (1) the lawful use of existing towers or the lawful erection of antennae on such existing towers, (2) the repair and/or maintenance of any existing tower provided that such work does not enlarge or expand that tower, (3) work on a tower necessary to preserve health, safety, life, or property in the face of an emergency, and (4) tower work that has received all necessary permits and approvals from the Town prior to the effective date of this Ordinance.

*SECTION 6. Severability.*

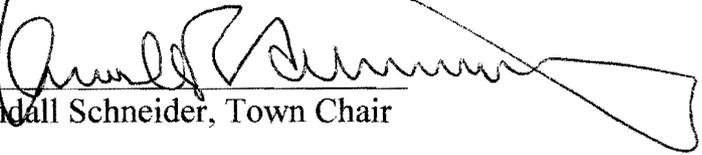
If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

*SECTION 7. Effective Date.*

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a meeting held on April 12, 2011 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF UNION

By   
Kendall Schneider, Town Chair

By   
Regina Ylvisaker, Town Clerk

Approved: 4.12.11  
Posted: 4.15.11  
Published: 4.20.11