

Chapter 62 TELECOMMUNICATIONS*

***Cross references:** Businesses, ch. 10; utilities, ch. 70.

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Sec. 62-1. Purpose and intent.

(a) 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 in this chapter are designed to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

(b) It is intended that the county shall apply such regulations to accomplish the following:

(1) 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 county's police, fire and emergency response network.

(2) Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the legitimate interests of the county's citizens.

(3) Encourage the use of alternative support structures, collocation of new antennas on existing telecommunication towers and construction of towers with the ability to locate three or more providers.

(c) This chapter is not intended to regulate residential satellite dishes or residential television antennas that are used privately, nor satellite dishes/antennas for which regulation is prohibited by Wis. Stats. § 59.69(4d), or its successor sections.

(Ord. No. 2003-3, § 1, 2-13-2003)

Sec. 62-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative support structure means clock towers, steeples, silos, light poles, buildings or similar structures that may support telecommunication facilities.

Antenna means 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, or attached, to the exterior of a structure.

Antenna, building mounted, means 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, means any antenna with its base placed directly on the ground.

Antenna, vertical, means a vertical type antenna without horizontal cross sections greater than one-half inch in diameter.

Board of adjustment means the county board of adjustment.

Camouflaged tower means any telecommunication tower that, due to its 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 zoning committee.

Carrier means an entity that provides telecommunications services.

Fall-down radius means 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. Such area may also be referred to as the "collapse zone."

FCC means the Federal Communications Commission.

Guyed tower means 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, means the distance measured from the original grade at the base of the tower to the highest point of the tower. Such measurement excludes any attached antennas and lighting.

Lattice tower means a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole means a telecommunication tower of a single pole design.

Navigable stream or lake means as determined by the county zoning department and/or the state department of natural resources.

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

Nonconforming means any preexisting telecommunications facility that was in existence prior to the adoption of the ordinance from which this chapter is derived and that has not been issued a conditional use permit. This definition shall only apply to such specific ordinance and shall not apply to other county ordinances.

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 means a support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Provider means the entity that provides a telecommunication facility.

Public service use or facility means a use operated or used by a public body or public utility in connection with any of the following services:

- (1) Water;
- (2) wastewater management;
- (3) Public education;
- (4) Parks and recreation;
- (5) Police, fire and emergency response network;
- (6) Solid waste management;
- (7) Utilities; or
- (8) Highway departments.

Satellite dish means a device incorporating a reflective surface that is:

- (1) Solid, open mesh or bar configured;
- (2) Shallow;
- (3) Dish, cone, horn or cornucopia shaped; and
- (4) Used to transmit and/or receive electromagnetic signals.

Such definition is meant to include, but is not limited to, what are commonly referred to as "satellite earth stations," "TVROs" and "satellite microwave antennas."

Telecommunication facility means 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 the facilities exempted under section 62-4.

Telecommunication facility, collocated, means 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 means the telecommunication support buildings and equipment cabinets located on a tower site.

Telecommunications equipment building means the telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.

Telecommunications tower means 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 definition includes radio and television transmission towers, microwave towers and common-carrier towers. Such definition shall exclude alternative support structures and the facilities exempted under section 62-4.

Utility pole mounted antenna means an antenna attached to, or upon, an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light or other approved similar structure.

Zoning committee means the county zoning committee.

(Ord. No. 2003-3, § 2, 2-13-2003)

Cross references: Definitions generally, § 1-2.

Sec. 62-3. Enforcement; violations; penalties.

(a) The provisions of this chapter shall be enforced under the direction of the county board of supervisors, through the zoning committee, zoning department and county law enforcement officers. The county corporation counsel is authorized to commence legal action to enforce the terms of this chapter. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a fine of not less than \$100.00, nor more than \$500.00. Each day of a violation shall constitute a separate offense.

(b) Compliance with this chapter may also be enforced by injunctive order at the suit of the county or the owner of land affected by the provisions of this chapter.

(c) The zoning administrator or his designee may enter property at any reasonable time to conduct inspections to determine if all provisions of this chapter have been met.

(Ord. No. 2003-3, § 16, 2-13-2003)

Sec. 62-4. Exemptions.

(a) The following shall be permitted without regulation of this chapter, but may be under the regulatory jurisdiction of other county or local chapters, provided that the primary use of the property is not a telecommunication facility and that the antenna use is accessory to the primary use of the property:

- (1) Personal and noncommercial use of all television antennas and satellite dishes.
- (2) Amateur radio towers.
- (3) Mobile services providing public information coverage of news events of a temporary nature.

(b) The provisions of this chapter shall not apply to the replacement of an existing lawful tower providing communication services for the state 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 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 300 feet in height. The replacement tower must continue to provide communication services for the state and/or any of its political subdivisions during the life of the tower or the tower shall be promptly removed or come into full compliance with all requirements of this chapter.

(Ord. No. 2003-3, § 3, 2-13-2003)

Sec. 62-5. Permits.

(a) *Required.* A county conditional use permit is required from the zoning department under this chapter for the location of all telecommunication facilities, except exempt facilities as set forth in section 62-4. The applicant shall submit information required under section 62-6. Facilities proposed to be collocated on facilities previously approved under this chapter shall be exempt from submitting information required under section 62-6(b), but shall be required to submit a zoning permit application for review and approval, together with the permit fee as required under section 62-6(b)(1); however, the sheriff's department/emergency government shall be exempt from such fee. Any proposed tower and accessory structures may also be required to obtain permits under the provisions of other county or local chapters. A public hearing is required for a conditional use permit.

(b) *Transferability.* A valid permit may be transferred from one tower owner to another only after submittal of a permit transfer form to the zoning department. The fee for the transfer of a permit shall be \$500.00.

(Ord. No. 2003-3, §§ 13, 14(2), 2-13-2003)

Sec. 62-6. Conditional use permits.

(a) *Required.* Locating and constructing a telecommunications tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with such tower, shall require a conditional use permit. The zoning committee may authorize the zoning department 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 chapter.

(b) *Information submittal.* For all telecommunication facilities, except exempt facilities as set forth in section 62-4, the zoning department shall require the following information to accompany every application. Such information shall include, but may not be limited to:

(1) A completed conditional use application and permit fee of \$2,000.00, as set by resolution of the county board.

(2) The original signature of the 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.

(3) The identity of the carrier and/or provider and their legal status.

(4) The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.

(5) A plat or survey showing the telecommunication facility boundaries, tower, facilities, location, access, landscaping and fencing.

(6) A written legal description of the telecommunication facility site.

(7) 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 providers, and the legal description and amount of property leased.

(8) 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.

(9) Copies of approvals from the Federal Communications Commission (FCC) and a statement that the facility complies with the limits of radio frequency emissions standards set by the FCC. The statement shall list the particular FCC measured permitted emissions (MPE) limit and the tested or design limit for the proposed telecommunication facility.

(10) Copies of applications to the Federal Aviation Administration (FAA), including any aeronautical study determination or other findings and the state bureau of aeronautics, if applicable.

(11) Copies of an application for environmental assessment (EA) reports upon form 600 or 854, submitted to the FCC, if applicable.

(12) Copies of the application for a finding of no significant impacts (FONSI) statement from the FCC or environmental impact study (EIS), if applicable.

(13) An analysis prepared by the actual applicant or prepared on behalf of the applicant by the applicant's designated technical representative, except for exempt facilities as defined in section 62-4, subject to the review and approval of the zoning committee, which identifies other reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternative 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. The analysis 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 the analysis, at the applicant's expense.

(14) NIER exposure studies.

(15) Plans indicating security measures (i.e., access, fencing, lighting, fire prevention, etc.).

(16) 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 and townships, and the unincorporated 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.

(17) A report, prepared by an engineer licensed by the state, certifying the structural design of the tower and its ability to accommodate additional antennas.

(18) An affidavit stating that space will be made on the proposed tower for future users, when technically possible, at a reasonable cost. (The county sheriff/emergency government shall be given priority status. The term "reasonable cost" shall be considered as any fee, cost or contractual provision required by the owner that conforms to terms standard in the industry and that do not exceed the cost of new tower development.)

(19) Such other information as the zoning department or zoning committee may reasonably require.

(20) A written statement from the towns affected stating that the application does not conflict with any existing town land use plan or ordinance.

(21) An affidavit stating the new facility (tower and/or radio equipment) will not affect any existing services. If any interference on an existing system is caused by a new tower or radio system, it shall be shut down immediately. The cost to investigate and/or fix the problem shall be at the new facility's expense.

(c) *Collocation.* All facilities shall make available a minimum of six unused spaces for collocation of other telecommunication facilities, including space for those entities providing similar, competing services. The first available space shall be for the county sheriff/emergency government communications and shall be provided at a reasonable cost. A lesser number of spaces may be allowed, based upon data supplied by the 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 off-line for a significant period of time. All collocated and multiple user telecommunication facilities shall be designed to promote facility and site sharing.

Telecommunications 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.

(d) *Technical review.* The county zoning department may employ, on behalf of the county, an independent technical expert to review all materials submitted, including, but not limited to, the materials 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 such review. The payment to the county zoning department 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.

(e) *Changes in ownership or collocation space availability.* Each telecommunication carrier or provider shall inform the county within 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 per day. Such forfeiture shall be assessed until such correct information of the registrant is received and verified by the zoning department.

(f) *Fee.* For each conditional use permit approved by the county zoning committee, the applicant shall submit a fee as provided for in subsection (b)(1) of this section before the conditional use permit will be issued.

(Ord. No. 2003-3, § 7(1)--(5), 2-13-2003)

Sec. 62-7. Appeals.

A person aggrieved by any decision of the county zoning department or its supervising committee regarding the siting of a telecommunication facility may file an appeal with the county board of adjustment. (Ord. No. 2003-3, § 15, 2-13-2003)

Sec. 62-8. Conditional use review and approval required.

Telecommunication facilities may be permitted in all areas not otherwise exempted or prohibited under the terms of this chapter, subject to conditional use review and approval by the zoning committee and in compliance with section 62-18 and all other applicable sections of this chapter. The provisions of this chapter shall apply to the townships who adopt the ordinance from which this chapter is derived.

(Ord. No. 2003-3, § 4, 2-13-2003)

Sec. 62-9. Areas limiting telecommunication facility location.

Telecommunication facilities may be permitted as identified in section 62-8, but are subject to review and approval of the state bureau of aeronautics and other appropriate agencies within a:

- (1) One-half-mile radius from heliports;
- (2) One-mile radius from private airport runways;
- (3) Three-mile radius from public use airport runways. (In the zoning office, see the Height Limitation Zoning Map for Viroqua Municipal Airport, dated February 2, 1996.)

(Ord. No. 2003-3, § 5, 2-13-2003)

Sec. 62-10. Areas prohibiting telecommunication facility location.

(a) No telecommunication facility, except exempt facilities as defined in section 62-4, shall be permitted within:

- (1) Wetlands.
- (2) Floodplains.

(b) All maps identifying the prohibited areas are located within the county zoning department and are available for public review and inspection.

(Ord. No. 2003-3, § 6, 2-13-2003)

Sec. 62-11. Permitted uses.

Locating an antenna that adds no more than 50 feet to the height of an alternative tower structure may be permitted, including placement of additional buildings or other supporting equipment used in connection with such antenna.

(1) Installing an antenna on an existing tower that adds no more than 50 feet to the height of the existing tower may be permitted, including placement of additional buildings or other supporting equipment used in connection with such antenna.

(2) Existing nonconforming and conforming telecommunications towers, antennas and facilities may, during the life of the tower, be increased a maximum of 50 feet in order to accommodate collocation. A telecommunication tower which is being relocated or reconstructed to accommodate collocation may be relocated within 50 feet of its existing location upon the review and approval of the zoning department, and shall be exempt from all other provisions of this chapter, except section 62-6(b)(21), and a new structure shall maintain the required fall-down radius and required setbacks. Routine maintenance and repair on telecommunication facilities is permitted.

(3) The county zoning committee encourages the location of new telecommunications facilities and collocation of telecommunication facilities on county owned properties, provided that the operation of such facilities will not disrupt normal county or any municipality's 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 chapter, relative to the location of telecommunication facilities on county owned properties.

(Ord. No. 2003-3, § 14, 2-13-2003)

Sec. 62-12. Annual information report and fee.

All owners of new telecommunications towers, since the effective date of the ordinance from which this chapter is derived, shall submit to the county zoning department annually, on or before January 31, a

telecommunication facility annual information report for each tower. Such information shall be submitted on a county form designated for such use, and shall become evidence of compliance. A \$250.00 fee per tower shall accompany the report.

(Ord. No. 2003-3, § 7(6), 2-13-2003)

Sec. 62-13. Removal and restoration; performance bond.

(a) It is the express policy of county and this chapter that telecommunication facilities be removed once they are no longer in use and not a functional part of providing telecommunications service, and it is the telecommunication provider's responsibility to remove such facilities and restore the site to its original condition or the condition approved by the zoning department. Such restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunication facility. After a telecommunication facility is no longer in operation, 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 the intent to cease operations, at which point the 90-day removal period shall begin.

(b) The telecommunications provider shall provide to the county, prior to the issuance of the conditional use permit or a zoning permit, a performance bond in the amount of \$20,000.00 to guarantee that the telecommunication facility will be removed when it is no longer in operation. The county will be named as obligee in the bond and must approve the bonding company. The adequacy of the 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.

(Ord. No. 2003-3, § 8, 2-13-2003)

Sec. 62-14. Existing nonconformities.

Preexisting nonconforming telecommunications towers, antennas and facilities may add or replace antennas upon review and approval of a county conditional use permit. A \$500.00 permit fee is required and the addition or replacement must comply with the provisions of section 62-6(b)(21). An existing telecommunication tower may be increased in height a maximum of 50 feet, not to exceed a total height of 300 feet, and may be relocated or reconstructed within 50 feet of its existing location to accommodate collocation. Routine maintenance and repair on telecommunication facilities is permitted (see section 62-11).

(Ord. No. 2003-3, § 9, 2-13-2003)

Sec. 62-15. Permit revocation.

Grounds for revocation of the conditional use permit by the zoning committee are any of the following:

- (1) Facility fails to comply with the relevant requirements of this chapter and the permittee has failed to supply assurances acceptable to the zoning department that the facility will be brought into compliance within 120 days;
- (2) Permittee has failed to comply with the imposed conditions of approval; or
- (3) Facility has not been properly maintained.

(Ord. No. 2003-3, § 10(1), 2-13-2003)

Sec. 62-16. Abandonment.

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned. In such circumstances, the following shall apply:

- (1) The owner of such antenna or tower shall remove the antenna and/or tower, including all supporting equipment and buildings, within 90 days of receipt of a notice from the zoning department notifying the owner of such abandonment. If removal to the satisfaction of the zoning department does not occur within such 90-day period, the county corporation counsel may order such removal, utilizing the established bond as provided under section 62-13, and salvage the antenna or tower and all supporting equipment and buildings. If there are two or more users of a single tower, then the provisions of this subsection shall not become effective until all operations of the tower cease.

(2) The recipient of a conditional use permit for a telecommunication facility under this chapter shall notify the zoning department when the facility is no longer in operation by providing a copy of the notice to the FCC of the intent to cease operations, at which point the 90-day removal period shall begin. (Ord. No. 2003-3, § 10(2), 2-13-2003)

Sec. 62-17. Structural design and environmental standards.

(a) *In general.* All of the following measures shall be implemented:

(1) All telecommunication facilities shall at all times comply with all rules, regulations and standards of the Federal Communications Commission (FCC). To that end, no telecommunication facility, or combination of facilities, shall at any time produce power densities in any inhabited area that exceed the FCC's adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the federal government. All telecommunications towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the state bureau of aeronautics, the Occupational Safety and Health Administration (OSHA), the FCC and any other agency of the state and/or federal government with the authority to regulate towers and antennas.

(2) Telecommunications towers shall be constructed of metal or other nonflammable material, unless otherwise specifically conditioned by the county.

(3) Parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising the function of such antennas.

(4) 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.

(5) The fall-down radius shall not exceed 125 percent of the tower height.

(6) Telecommunication support facilities shall be the only structure, building or use allowed within the fall-down radius.

(7) Telecommunications towers and antennas shall be designed and constructed in accordance with the state uniform building code, National Electrical Code, uniform plumbing code, uniform mechanical code, uniform fire code and chapter 70 of this Code.

(8) The county shall have the authority to require special design of telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).

(9) A radio frequency radiation emission test report, to demonstrate compliance with FCC adopted standards, shall be required for all rooftop antennas and other antennas which are less than 30 feet above the original grade.

(10) A report prepared by an engineer licensed by the state, certifying the structural design of the tower and its ability to accommodate additional antennas, shall be included with any application.

(11) 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.

(12) No advertising message or sign shall be affixed to any tower or antenna.

(b) *Height.* The height of a telecommunications tower shall be measured from the original grade at the base of the 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 crankup or other similar towers, the height of which 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 telecommunications tower exceed 300 feet in height.

(c) *Lighting.* Telecommunication 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.

(d) *Site development, roads and parking.* All new telecommunication facilities located on a leased parcel shall maintain a minimum leased parcel size of 5,000 square feet. The entire fall-down radius shall be contained within the leased parcel, and such fall-down radius shall be determined under subsection (a) of this section. 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 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 county highway department, state 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 maintained so as not to create a visual or physical nuisance.

(e) *Vegetation protection and facility screening.*

(1) Except for exempt facilities as set forth in section 62-4, all telecommunication 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 subsection, the term "mature landscaping" means trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening within three years of installation.

(2) Upon project completion, the owner/operator of the facility shall be responsible for maintenance and replacement of all required landscaping during the most current growing season.

(3) Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings, to reduce visual impacts.

(f) *Noise and traffic.* All telecommunication facilities shall be constructed and operated in such a manner to minimize the amount of disruption caused to nearby properties. To that end, all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as set forth in section 62-4:

(1) Noise producing construction activities shall only take place on weekdays (Monday--Saturday, excluding holidays), between the hours of 6:00 a.m. and 6:00 p.m.; and

(2) Backup generators shall only be operated during power outages and for testing and maintenance purposes.

(Ord. No. 2003-3, § 11, 2-13-2003)

Sec. 62-18. Separation and setback requirements.

(a) *Separation.*

(1) Minimum separation from off-site uses for all telecommunications towers shall be in accordance with the following standards, except exempt facilities as set forth in section 62-4:

TABLE INSET:

Proposed Tower Type	Lattice	Guyed	Monopole 85 feet in height or greater
Existing lattice	1.0 mile	1.0 mile	1.0 mile
Existing guyed	1.0 mile	1.0 mile	1.0 mile
Monopole, 85 feet in height or greater	750 feet	750 feet	750 feet

(2) Requirements for separation between towers may be waived by the zoning committee, provided, the applicant provides sufficient data to justify that the spacing requirements cannot be met for technical reasons.

(b) *Setbacks.* All of the following setbacks shall be measured from the base of the tower or structure to the applicable property line or structure:

(1) *Residential uses.*

a. All new towers shall be set back a distance equal to 200 feet or 200 percent of the height of the tower, whichever is greater.

b. 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.

c. When located on contiguous land 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 subsection would preclude any tower meeting the applicant's needs from being located on such land. For the purpose of this subsection, the term "contiguous land" includes adjacent parcels separated by a public highway, whether dedicated or by easement.

d. Towers shall not be located within 1,000 feet of any single-family dwelling within a rural cluster or platted subdivision.

(2) *Historic sites and districts.* All new towers shall be set back a distance equal to 200 feet or 200 percent of the height of the tower, whichever is greater.

(3) *Streets, and private and public road rights-of-way.* All new towers shall be set back from all public and private road rights-of-ways a distance equal to 125 percent of the tower height.

(4) *Ordinary high water mark (OHWM).* All new towers shall be set back a minimum of 75 feet from the OHWM of a navigable stream.

(5) *Overhead power lines.* All new towers shall be set back a distance equal to their height from an overhead power line with a voltage exceeding 750 volts.

(6) *Other allowable uses involving a structure.* All new towers shall be set back from other allowable uses involving a structure a distance equal to 100 feet or 125 percent of the height of the tower, whichever is greater. Such setback could be reduced by written statement of adjacent land owners, witnessed and signed by the zoning administrator.

(7) *Guy wires.* All guy wires shall be set back at least 50 feet from all owned or leased property lines. (Ord. No. 2003-3, § 12, 2-13-2003)