

**TOWN OF RIVER FALLS ORDINANCE #2014-3
TOWER ORDINANCE**

17.038 TOWERS

(1) **PURPOSE.** It is the intent of this Section to:

- (a) Balance the rights of private property owners with the needs of the Town of River Falls community-at-large.
- (b) Mitigate and address the potentially adverse effects of communication towers on human health and safety.

(2) **DEFINITIONS.**

ANTENNA. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

BUILDING CODE. The most recently adopted or amended Town of River Falls Building Code.

COMMUNICATION TOWER. A structure that is used primarily as a communication antenna or as a communications antenna support structure.

EFFECTIVE TOWER HEIGHT. The distance from the highest point of rigid, non-guyed support to the top of the highest appurtenance mounted on the tower.

ANSI/TIA-222G. American National Standards Institute/Telecommunications Industry Association Standard 222-G, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

FREE STANDING TOWER. A tower which has the tower base as the only or primary means of resisting the designed tower loads.

GUY SUPPORTED TOWER. Means a tower which requires the use of flexible guying cables or wires as the only or principle means of resisting the designed tower loads.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (ESMR), enhanced

specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

NON-COMMERCIAL COMMUNICATIONS TOWER. A tower used for purposes in which there is no commercial gain, i.e. amateur radio, Civil Air Patrol, Red Cross, etc.

TOWER. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER HEIGHT. The distance between the ground upon which the tower or tower base sits and the top of the highest appurtenance mounted on the tower.

TOWER, MULTI-USER. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

TOWER, SINGLE-USER. A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code.

(3) TOWER ZONING APPLICATIONS. A building permit and conditional use permit (if applicable) shall be obtained prior to construction of any tower, including a communication tower. Towers shall be registered with the Town at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the tower owner, operator, or contractor installing the tower.

(a) Name and address of the tower owner;

(b) Name and address of the tower operator;

(c) Name, address, phone number and title of primary contact person;

(d) Name, address, phone number and title of emergency contact person;

(e) Address of the tower location;

(f) Principal use of the tower;

(g) Tower height;

(h) A list of appurtenances mounted on the tower including model numbers, if available, and their location on the tower, or a drawing indicating location;

- (i) A site plan prepared by the owner or his/her representative drawn to a scale of one (1) inch equals fifty (50) feet, unless a different scale is approved by the Town Board. The plan shall show the property boundaries, tower(s), guy wire anchors (if any), existing structures, proposed buildings and/or other accessory uses, access, parking, fences, landscape plan. (specifying size, spacing and plant materials proposed), existing land uses adjoining the site, distances to all adjoining property.
 - (j) Towers shall be subject to all applicable Wisconsin State and Pierce County design codes.
- (4) APPLICATION FEES.** The Town requires an application fee, of an amount set by the Town Board from time to time, for the registration, processing, and permitting of communication towers and wind generator towers. No application shall be considered filed with the Town unless and until said application is accompanied by the fee.
- (5) TOWER CONSTRUCTION.** Plans and specifications for the tower design as specified by the tower manufacturer or as approved by a registered professional engineer experienced in the design and/or analysis of towers shall be submitted to the Town Board by the tower owner, operator, or contractor installing the tower.
- (6) TOWER DESIGN REQUIREMENTS.** Proposed or modified towers and antennas shall meet the following design requirements.
- (a) Towers and antennas should be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
- (7) TOWER SET BACK REQUIREMENTS.** Towers shall conform with all of the following minimum setback requirements:
- (a) Yards (minimum):
 - 1. Front, see setbacks from highway and navigable water regulations,
 - 2. Rear, 40 ft. where adjacent to R zone, 10 ft. otherwise,
 - 3. Side, 20 ft. except that any side yard abutting on R-1, R-2, A-1, or A-2 Districts shall be 40 ft.
- (8) EXCLUSIONS.**
- (a) Communication towers less than 190 feet in height and designed and intended for private noncommercial use shall be exempt from the requirements of this Section.

- (b) Any communication tower erected before enactment of this ordinance.
- (c) The Board, at its discretion, may exempt certain communication towers that are designed for and intended to be used solely by public safety or emergency communications agencies.

(9) TOWER LIABILITY. Prior to granting a tower zoning permit, the applicant will demonstrate proof to the Town Board that it has adequate liability insurance for the communication tower, support structures, and any and all easements or non-public access roads. The liability insurance will cover accidents within the boundaries of the tower as shown on the site plan, personnel falls from the tower (whether employees or agents of the applicant or not), and private property damage caused by the tower, or debris from the tower.

(10) TOWER INSPECTIONS.

- (a) Towers shall be inspected in accordance with FCC or other applicable directives.
- (b) Inspection records shall be kept by the tower owner and made available upon request to the Town Board.
- (c) The Town Board may, at its discretion or upon complaint, inspect or require the inspection of any tower within its jurisdiction at the tower owner's or operator's cost.

(11) SECURITY.

- (a) Eight (8) feet high security fencing shall be required around the base of the tower.
- (b) Accessory or equipment buildings installed as part of the tower facility shall be secured.

(12) ACCESS ROADS.

- (a) Access roads shall be constructed so as to meet the following requirements:
 1. Access road construction plans shall be designed to minimize adverse environmental impact.
 2. The access road shall be constructed so as to minimize soil erosion.
 3. Access roads shall be designed and routed to so as to minimize the loss of agricultural crop land.
 4. No communication tower access road shall cross or otherwise be sited on, in, or within 10 feet of wetlands or rivers.

- (b) Communication tower access roads must conform to the Town of River Falls driveway ordinance.
- (c) Communication tower access roads are subject to all provisions contained in the Town of River Falls Land Use Plan.

(13) SIGNS AND ADVERTISING.

- (a) Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal statutes.
- (b) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(14) ACCESSORY BUILDINGS.

- (a) All utility buildings and structures accessory to a tower shall be designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
- (b) Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding area or neighborhood. Screening with natural vegetation or fencing, as approved by the Plan Commission, shall be provided along property lines bordering R-1, R-2, A-1, A-2, or C-1 Districts.

(15) STRUCTURALLY UNSAFE OR UNUSED TOWERS.

- (a) Any tower found to be structurally unsafe and that cannot be brought into compliance within 180 days must be removed at the owner's expense.
- (b) Any tower that is no longer used and maintained as a communication tower for a period of one (1) year shall be removed at the owner's or property owner's expense.

(16) TOWER REMOVAL.

- (a) In addition to subsection (15) the applicant shall be responsible for removing the tower when either:
 - 1. the tower has reached the end of its useful life, or
 - 2. the tower is classified as structurally unsafe or unused.

- (b) If a tower is located on public land, the applicant will be required to post a bond or establish an escrow account that is equal to ten (10) percent of the tower's construction cost, not to exceed \$20,000, to protect the Town's interest in the event the owner fails to remove the tower in a timely manner when required to do so. In the event the owner does not timely remove the tower the Town may do so and charge the cost thereof against the bond posted and any balance due shall be assessed against the premises as a special charge and placed on the tax roll.
- (c) If the tower is located on public land, or if is located in plain site of public roads or residential areas, the applicant shall be required to restore the tower site to its original condition. This includes the removal of the tower, tower support equipment, accessory buildings, security fences and all other equipment and structures. The applicant is also required to restore or replant native vegetation at the tower site and along the access road.
- (d) In the event that the tower applicant fails to restore the land to its pre-tower condition to the satisfaction of the Town Board, the applicant shall forfeit its tower removal bond or escrow account.

(17) LANDSCAPING AND SCREENING.

- (a) On site vegetation shall be preserved to the maximum extent practical.
- (b) Screening with natural vegetation or fencing, as approved by the Plan Commission, shall be provided along property lines bordering R-1, R-2, A-1, A-2, or C-1 Districts.

(18) PERIODIC REVIEW.

- (a) The Town Board reserves the right to review the status of the tower every two (2) years. The review shall consider the following:
 - 1. Compliance with a conditional use permit (if applicable);
 - 2. Public comment on the tower.
 - a. The review may be initiated at the behest of the Town Board.
 - b. The review may also be initiated by the citizens of the Town of River Falls by requesting a tower review at a regularly scheduled Town Board meeting.

(19) PUBLIC NOTIFICATION OF TOWER APPLICATION.

- (a) Upon receipt of a communication tower application, the Town Board shall hold a public hearing on the application at the next scheduled regular board meeting, but no less than thirty (30) days thereafter. Where a special meeting

is required to comply with these time limits the applicant shall pay the cost thereof in advance.

- (b) The Town Clerk will notify all residents and businesses within a one-quarter mile radius of the reason for the public hearing and the notification shall take place at least 30 days prior to the scheduled meeting date.

(20) TOWN BOARD EVALUATION CRITERIA.

- (a) The Board in its review of the tower application shall consider the following factors associated with the construction of a new tower in the Town:
 1. Health and safety issues;
 2. Economic impact on the local community;
 3. The opinion of the residents of the Town.

(21) APPLICABILITY.

- (a) This section supersedes all other communication tower ordinances.
- (b) This section supersedes all other State and County communication tower regulations except where noted or where such other regulations have legal precedence.
- (c) This section complies with the requirements of Wisconsin state statute 66.0404.

Adopted by the River Falls Town Board on November 17, 2014.

Diana G. Smith/Chair

Ruth Stern, Clerk

Public hearings held on November 17, 2014.

Posted in three public places the week of November 17, 2014.

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Approved by Pierce County Board of Supervisors on _____.