

RESOLUTION 8-3-98

THE TOWN OF FORT WINNEBAGO BOARD APPROVED  
THE ORDINANCE NO. 248-98, WHICH WAS PASSED ON  
JULY 15, 1998, BY THE COLUMBIA COUNTY BOARD  
OF SUPERVISORS, REGARDING WIRELESS COMMUNICATION  
FACILITIES.

THIS WAS APPROVED ON AUGUST 3, 1998, BY  
THE TOWN OF FORT WINNEBAGO

*Kay E. Gjaenis*  
KAY E. GJAVENIS, CLERK

1  
2  
3 **SYNOPSIS: AN ORDINANCE ESTABLISHING TITLE 16, CHAPTER 6**  
4 **OF THE COLUMBIA COUNTY CODE**  
5 **REGULATING WIRELESS COMMUNICATION FACILITIES**  
6

7 **INTRODUCED BY: PLANNING & ZONING COMMITTEE**  
8

9 The Columbia County Board of Supervisors do ordain as follows:  
10

11 **TITLE 16, CHAPTER 6**  
12 **WIRELESS COMMUNICATION FACILITIES**  
13

14 **SECTION 16-6-1 PURPOSE.**  
15

16 The purposes of the regulations and requirements of this chapter are to:

- 17 (a) Accommodate the communication needs of the residents and businesses while
- 18 protecting the public health, safety and general welfare;
- 19 (b) Facilitate the provision of wireless communication facilities through careful siting
- 20 and design standards;
- 21 (c) Minimize adverse visual effects of wireless communication facilities through
- 22 careful siting and design standards;
- 23 (d) Avoid potential damage to adjacent properties from the construction and operation
- 24 of wireless communication facilities through structural standards and setback
- 25 requirements; and
- 26 (e) Maximize the use of existing and approved towers, buildings or structures to
- 27 accommodate new wireless communication antennas to reduce the number of
- 28 towers needed to serve the industry.
- 29

30 **SECTION 16-6-2 JURISDICTION.**  
31

32 The jurisdiction of this Chapter shall be limited to the unincorporated areas of Columbia County,  
33 but shall not be in effect in any town until approved by the town board pursuant to Section 59.69,  
34 Wisconsin Statutes.  
35

36 **SECTION 16-6-3 DEFINITIONS.**  
37

- 38 (a) **ANS/TIA/EIA.** American National Standard/Telecommunication Industry
- 39 Association/Electronic Industrial Association.
- 40 (b) **Antenna.** Any device or equipment used for the transmission or reception of
- 41 electromagnetic waves, which may include omni-directional antenna (rod),
- 42 directional antenna (panel) or parabolic antenna (disc).
- 43 (c) **Applicant.** Any person, provider, firm, partnership or company who files an

applicable requirements of this chapter.

**SECTION 16-6-5 GENERAL REQUIREMENTS.**

- (a) All towers and antennas shall comply with all FCC and FAA rules and regulations.
- (b) Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the state of Wisconsin.
- (c) Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
- (d) For leased sites, written authorization for siting the wireless communication facilities from the property owner must be provided as set forth in Section 16-6-9 (d)(3).
- (e) All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the county named as an additional insured shall be provided. A letter of credit or bond in the amount of \$10,000 shall be filed with the County to provide for removal of a wireless communication facility and site restoration in the event that removal should be required.
- (f) All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless a written exemption is provided by the Zoning Administrator. After the facilities are removed, the site shall be restored to its original condition or as close as possible, and anchoring elements shall be removed from the ground to within 4 feet of ground level. If removal and/or restoration is not completed within 90 days of the expiration of the 12 month period specified herein, the County is authorized to complete the removal and site restoration and the cost shall be assessed against the property as a special assessment.
- (g) Proposals to erect new towers and antennas shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
- (h) Only one tower is permitted on a parcel of land. Additional towers may be permitted with a conditional use permit if the additional tower is located within 200 feet of the existing tower and all other requirements of this chapter are met.
- (i) The monopole design is the preferred tower structure. Use of guy or lattice towers must be justified on the basis of collocation opportunities or specific structural requirements.

**SECTION 16-6-6 PROHIBITIONS.**

- (a) No tower shall be over 300 feet in height.
- (b) No tower or antenna may be installed on a parcel within a major subdivision created for residential purposes or within an area designated for future residential

this chapter and Section 16-1-16 (d):

- a. Antennas attached to an existing tower or structure extending more than 20 feet above the highest point of the tower or structure.
  - b. Any new tower to a maximum height of 300 feet.
- (c) Single Family Residence, Multiple Family Residence, Recreation and Marina Districts.
- (1) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-16 (d):
    - a. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
    - b. A tower within the easement of a high power transmission line or within 50 feet of the transmission line easement on the same side of the road up to a maximum height of 200 feet.
  - (2) No other towers or antennas are permitted in these districts.
- (d) Shoreland and Floodplain Districts.
- (1) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-16 (d):
    - a. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
  - (2) No other towers or antennas are permitted in these districts.

**SECTION 16-6-8 PERFORMANCE STANDARDS.**

- (a) General. Except as provided in this chapter, all wireless communication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of land may be leased provided that all requirements of this chapter can be met.
- (b) Setbacks and Separation.
  - (1) Generally, tower structures shall be set back from the nearest property line a distance equal to the height of the tower. This setback may be reduced to one-half the height of the tower if the applicant submits a report stamped by a professional engineer registered in the state of Wisconsin that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the property line. Other setback reductions, to the minimum required by the applicable zoning district, may be had by obtaining the written agreement of the adjacent property owner.
  - (2) Towers shall not be located within 500 feet of any residence other than the

265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301

(3) The holder of a permit for a tower shall allow collocation for at least 2 additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

(d) Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.

(e) Security Fencing, Lighting and Signs.

(1) All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a 6 feet high chain link fence with locked gate.

(2) Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.

(3) Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency.

(f) Color and Materials.

(1) All towers, antennas and accessory structures shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding natural features and built environment to the greatest extent possible. The tower shall be a color that minimizes visibility unless otherwise required by FAA or FCC regulations.

(2) All metal towers shall be constructed or treated with corrosion resistant material.

(g) Parking and Access. Adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary. Additional parking may be required by the governing authority if the minimum parking proves to be inadequate. Access must be provided by a gated, all-weather gravel

- or other anticipated wireless communication services).
  - b. Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication sites within the County for these services to be provided by the provider.
  - c. Provide a map which shows the geographic service areas of the existing and proposed telecommunication sites in the County and the nearest sites in adjacent counties.
- (3) Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the zoning permit or conditional use permit, including the restoration and reclamation requirements of Section 16-6-5 (f) of this chapter. Such acknowledgment shall be made applicable to all successors, heirs and assignees.
- (4) Additional Information and Analysis.
  - a. The Zoning Administrator or Board of Adjustment may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
  - b. The Zoning Administrator or Board of Adjustment may employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.
- (5) Existing Tower/New Antenna. Applications for a zoning permit to add a new antenna to an existing tower or structure shall be subject to the requirements of par. (d)(2) of this section.

**SECTION 16-6-10 TRANSFERABILITY.**

All permits issued under this chapter shall be transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this chapter and any permit conditions that may exist. Written notice shall be made to the Zoning Administrator within 30 days of such transfer.

**SECTION 16-6-11 APPEALS.**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Columbia County affected by any decision of the Zoning Administrator as provided for by Section 16-1-16 (c).