

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING
TELECOMMUNICATION TOWERS, ANTENNAS
AND RELATED FACILITIES

The Town Board of the Town of Sioux Creek, Barron County, Wisconsin in order to provide for the orderly growth and development of the Town of Sioux Creek, and the enhancement of health, safety, and general welfare of the public, does ordain as follows:

(1) Purpose and Intent

This Ordinance is adopted by the Town pursuant to §§60.10(2)(c), 60.22(3) and 61.34, Wis. Stats.

The purpose and intent of this Ordinance is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas 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 Sioux Creek, as set forth within the goals, objectives and policies of the Town of Sioux Creek, to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunication facilities.

It is intended that the Town shall apply these regulations to accomplish the following:

1. Minimize adverse visual effects of telecommunication towers, antennas and related facilities through design and siting standards.
2. Maintain and ensure that a non-discriminatory, 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 Sioux Creek'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 interests of the Town of Sioux Creek citizens.

4. Protect environmentally sensitive areas of the Town of Sioux Creek by regulating the location, design and operation of telecommunication towers, antennas and related facilities.

5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, stealth facilities and construction of towers with the ability to locate three or more providers.

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 §59.69(4d) Wis. Stats., or its successor sections, of the Wisconsin Statutes as amended from time to time or as preempted by Federal law.

(2) Definitions

For the purpose of this Ordinance, the following terms and phrases shall have the meaning ascribed to them in this section:

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

Antenna: 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 to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom, that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Building Mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

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

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Camouflaged Tower: Any telecommunication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.

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 grade of the property as it existed prior to construction of the tower at the base of the tower to its highest point. This measurement excludes any attached antennas, protection devices (e.g. lightning rods) and lighting.

Lattice Tower: A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole: A telecommunication tower of a single pole design.

Navigable Stream or Lake: As designated on the United States Geological Survey (USGS) map and/or the Barron County Zoning maps.

Non-Conforming: Any telecommunications facility which was in existence prior to the adoption of this Ordinance and which, as a result, is not subject to a permit issued under this Ordinance. This definition shall only apply to this specific Ordinance and shall not apply to other Town of Sioux Creek 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.

Permit: A Permit granted by the Town to an applicant allowing for the operation of a telecommunications facility which is to be sited at a location subject to this Ordinance.

Plan Commission: Town of Sioux Creek Plan Commission

Platform: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Private Airport: Any airport which does not fall within the definition of a “public airport”.

Public Airport: Any airport which is defined as a “public use” airport under §114.002(18m), Wis. Stats.

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

Stealth Facility: A Wireless Communication Service Facility or other Transmission Facility which appropriately models or mimics in size, shape, scale and color something which exists in the immediate landscape, which could legally be placed there or already exists there at the time an application is submitted, (e.g. silo in farm settings or a tree in

forested lands), and which is unrecognizable to a casual observer as a Transmission Facility.

Telecommunication Facility: 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 those facilities exempted under Section (3).

Telecommunication Facility Co-located: 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: The telecommunication equipment buildings and equipment cabinets.

Telecommunications Tower: 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 includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under Section (3).

Town: Town of Sioux Creek, Barron County, Wisconsin

Town Board: Town Board of Supervisors, Town of Sioux Creek, Barron County Wisconsin

Utility Pole Mounted Antenna: An antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar structure approved by the Town of Sioux Creek.

(3) Exempt from Town Review

The following shall be permitted without Town approvals:

1. The use of all television antenna, satellite dishes and receive only antennas, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property.
2. Amateur Radio: This Ordinance shall not govern the installation of any antenna and their supporting towers, poles and masts that is owned and/or operated by a federally licensed amateur radio operator or, is used exclusively for receive-only antennas.

3. Mobile services providing public information coverage of news events of a temporary or emergency nature.

4. Free standing (Ground Mounted Antenna) antennas (not supported on or attached to a building) and their supporting towers, poles or masts and their equipment buildings, 350 square feet or less in size, may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of 45 feet above the original grade at the site of the installation.

5. Antennas installed on, or attached to, any existing building (Building Mounted Antenna), and buildings 350 square feet or less in size, when the height of the existing telecommunication tower, or alternative support structure and their equipment antenna and its supporting tower, pole or mast is 30 feet or less above the highest part of the building or alternative support structure to which it is attached.

6. Utility Pole Mounted Antennas, if the height of the antenna is 30 feet or less above the highest part of the utility pole.

(4) Areas Limiting Telecommunication Facility Location.

Telecommunication facilities may be permitted, subject to review and approval by the Town of Sioux Creek but are subject to review and approval of the Federal Aviation Administration (FAA), Wisconsin State Bureau of Aeronautics and other appropriate agencies, if applicable.

(a) 2 mile radius from heliports

(b) 1 mile radius from private airport runway(s)

(c) 3 mile radius from public use airport runway(s)

(5) Areas Prohibiting Telecommunication Facility Location.

No telecommunications facilities, except exempt facilities as defined in Section (3), shall be permitted within:

1. Historic sites and districts listed on the National Register of Historic Places

2. Wetlands as enforced by Barron County Zoning

3. Floodplains as enforced by Barron County Zoning

(6) Permit Application

Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower shall require a Permit. The Town Board, upon the basis of the requirements of this Ordinance may authorize the Town Clerk to issue a Permit after review and a public hearing, provided that the proposal is in accordance with the terms of this Ordinance and subject to such specific conditions as may be attached by it to such permit so as to ensure that the particular tower or support structure will be constructed, operated and, upon abandonment, demolished in accord with this Ordinance .

1. **Submittal Information.** For all telecommunication facilities, except exempt facilities as defined in Section (3), the Plan Commission shall require the following information to accompany every application. Said information shall include, but may not be limited to:

- (a) Completed permit application and fee of \$1,000.00.
- (b) Original signature of applicant and land owner (if the telecommunication facility is located in an easement or pursuant to a ground lease, the beneficiaries of the easement or ground lease and underlying property owner must authorize the application.)
- (c) The identity of the carrier, provider, applicant, landowner and service provider and their legal status.
- (d) The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.
- (e) A plat of survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing.
- (f) A written legal description of the site.
- (g) 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 tower owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.
- (h) A description of the telecommunications services that the applicant offers or provides, to persons, firms, businesses or institutions.
- (i) Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
- (j) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.

(k) An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in Section (3), subject to the review and approval of the Town of Sioux Creek Plan Commission, which identifies all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Town.

The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It 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 review and approval of the Town of Sioux Creek Plan Commission. The Town may require independent verification of this analysis at the applicant's expense, the consultant or the alternate chosen by the Town of Sioux Creek Plan Commission from a list mutually agreed upon by the Town and the applicant.

(l) Plans indicating security measures (i.e. access, fencing, lighting, etc.).

(m) Shall include a tabular and map inventory of all of the applicants' existing telecommunications towers that are located within the Town of Sioux Creek, and including all of the applicant's existing towers within fifteen hundred (1,500) feet of the Town boundary. The inventory shall specify the location, height, type, and design of each of the applicants' existing telecommunication towers, and the ability of the tower or antenna structure to accommodate additional co-location antennas.

(n) A report prepared by an Engineer licensed by the State of Wisconsin, certifying the structural design of the tower and its ability to accommodate antennas.

(o) Proof of liability insurance coverage, with a Certificate of Insurance, annually or until cancelled, showing the policy period.

(p) Such other information as the Town of Sioux Creek Plan Commission may reasonably require.

(q) Copies of an Affidavit of Notification, indicating that the airport operator and airport property owner(s), within the areas limiting telecommunication facility locations as identified under Section (5), if applicable, have been notified via certified mail.

2. Co-location. All tower owners shall make available unused space for co-location of other telecommunication facilities, including space for those entities providing similar competing services. Co-location 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 offline. All co-located and multiple-user telecommunication support facilities shall be designed for compatible joining to facilitate site sharing.

3. **Technical Review.** The Plan Commission, upon direction of the Town of Sioux Creek Town Board, shall employ on behalf of the Town, an independent technical expert to review materials submitted in those cases where a technical demonstration of unavoidable need or unavailability of alternatives has been determined necessary by the Board. The applicant shall pay all the costs of said review. Prior to commencing review the Town will require a deposit in the amount of 125% of the estimated cost of review. Any amounts in excess of actual review costs will be refunded. Any invoices, fees and charges accumulated for the technical review in excess of aforementioned deposit, must be paid in full prior to the issuance of the Permit.

4. **Submittals Required following the Approval.** For each permit approved by the Town of Sioux Creek Town Board, the applicant shall submit the following before the permit will be issued:

(a) Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, and the Wisconsin State Bureau of Aeronautics, if applicable.

(b) Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854, submitted to Federal Communication Commission (FCC), if applicable.

(c) Copies of any filings submitted to the Federal Communication Commission (FCC), shall be submitted within 30 days of filing, subject to the review of the Plan Commission.

(d) Proof of Bond as security for removal.

(7) Annual Information Report.

The purpose of the annual review report under this Section is to provide the Town with accurate and current information concerning the telecommunications tower owners and providers, who offer or provide telecommunications services within the Town, or that own or operate telecommunication facilities with the Town, to assist the Town in enforcement of this Ordinance, and to assist the Town in monitoring compliance with the permit and this Ordinance.

1. **Annual Information Report.** All telecommunications tower owners of any new or existing telecommunication tower, shall submit annually on or before January 31st of each year to the Town Clerk, a Telecommunications Facility Annual Information Report. The Annual Report shall include the tower owner name(s), address(s), phone number(s), contact person(s), annual report review fee, proof of bond as security for removal and an annual or until cancelled Certificate of Insurance showing the policy period and naming the Town as an additional insured. The tower owner shall supply the tower height and current occupancy, including co-users of the site, if applicable. This information shall be submitted to the Town and shall become evidence of compliance.

2. Annual Information Report Review Fee. Following the permit approval, every year thereafter, the tower owner shall submit on or before January 31st of each year to the Town Clerk, the annual report review fee of \$200.00 per tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day, until the information is received by the Town Clerk.

(8) Removal/Security for Removal.

1. It is that the express policy of Town of Sioux Creek 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 tower owner's responsibility to remove such facilities and restore the site to its original condition or a condition approved by the Town Board. This restoration shall include removal of all subsurface structure or foundation, including concrete, used to support the telecommunications facility down to 10 feet below the surface. This depth of removal requirement may be modified by the Town of Sioux Creek after public hearing and review. After a telecommunications facility is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts.

2. **Security for Removal.** The telecommunications tower owner shall provide to the Town of Sioux Creek, prior to the issuance of the permit, a performance bond in the minimum amount of Twenty Thousand Dollars (\$20,000) or a greater bond equal to a written estimate from a qualified tower removal contractor, to guarantee that the telecommunications facility will be removed when no longer in operation. The Town of Sioux Creek will be named as obligee in the bond and must approve the bonding company.

(9) Pre-existing Telecommunication Towers.

1. **Non-conforming and conforming** telecommunication towers and facilities may add to, move or replace the tower and facilities upon review and approval of a Permit by the Town of Sioux Creek . 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 co-location subject to meeting all other sections of this Ordinance, except Sections (6) and (11). Routine maintenance and repair on telecommunications facilities is permitted.

2. Existing Use Review

(a) **Existing Use Review for Those Towers Structurally Capable to Co-locate.**

Beginning (INSERT DATE), within 45 days all telecommunications tower owners, applicable to the requirements of this Ordinance, operating in the Town of Sioux Creek prior to the adoption of this Ordinance, shall provide the information required under Section (7) (except proof of bond and proof of insurance) of this Ordinance and pay an annual fee of \$200.00 per tower site. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day until the information is received by the Town Clerk.

(b) Existing Use Review for Those Towers Structurally Incapable for Co-location.

Beginning (INSERT DATE), with in 45 days all telecommunications tower owners, applicable to the requirements of this Ordinance, operating in Town of Sioux Creek prior to the adoption of this Ordinance, shall provide the information required under Section (7) of this Ordinance (except proof of bond and proof of insurance), and submit documents that the tower is structurally incapable of co-location, and pay a one time fee of \$200.00 per tower site. Failure to provide this information shall result in a civil forfeiture of \$200.00 per day until the information is received by the Town Clerk.

(10) Compliance.

1. **Revocation.** Grounds for revocation of the permit, shall be limited to one of the following findings as determined by the Town of Sioux Creek Plan Commission:

- (a) The owner of such site, service provider and/or tower owner, fails to comply with the requirements of this Ordinance as it existed at the time of the issuance of the permit.
- (b) The permittee has failed to comply with the conditions of approval imposed.
- (c) The facility has not been properly maintained.

2. **Revocation Process.**

- (a) The owner of such site, service provider and/or tower owner shall be notified by certified mail of noncompliance by the Sioux Creek Plan Commission.
- (b) The owner shall comply with such notice within 30 days, to the satisfaction of the Town of Sioux Creek Plan Commission.
- (c) If compliance is not obtained within 30 days, the Town of Sioux Creek Plan Commission shall notify the Town of Sioux Creek Town Board of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by adjustment for seasonal limitations.)

(d) The Town of Sioux Creek Plan Commission shall petition the Town of Sioux Creek Town Board for a public hearing, before the Town Board following publication of a Class 2 notice in the legal newspaper of the Town of Sioux Creek.

(e) A copy of a hearing notice shall be mailed certified to the owner of record of the tower site at least two weeks prior to the hearing date.

(f) An Officer of the Town of Sioux Creek Plan Commission shall appear at the hearing before the Town of Sioux Creek Board to present the evidence of noncompliance. All other interested parties may also give testimony to the Board.

(g) In compliance with the procedures of the Public Hearing, a written decision of the Town of Sioux Creek Town Board will be made based upon the noncompliance or compliance of the permit holder with the terms and conditions of this Ordinance.

3. Defaults. Any antenna or tower that is not operated for a continuous period of twelve (12) months, shall be considered abandoned. Time may be extended upon review and approval of the Town of Sioux Creek Town Board, if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:

(a) The owner of such antenna and/or tower shall remove said antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Plan Commission notifying the owner of such abandonment. If removal to the satisfaction of the Plan Commission does not occur within said ninety (90) days, the Town of Sioux Creek Board may order removal, utilizing the established bond as provided under Section (9) and remove the said antenna or tower and all supporting equipment and buildings. In the event that the owner has granted permission to any other persons to make use of the antenna or tower, their right of use shall not survive an order of abandonment and each user shall be required to remove its equipment at or prior to the date upon which the removal order is effective.

(b) The holder of a permit for a telecommunications facility under this Ordinance shall notify the Town of Sioux Creek Plan Commission immediately upon its cessation of use and operation of same. The failure of the holder to do so shall constitute an act of default under this Ordinance in which case the Town Plan Commission, upon discovery of the fact of non-operation, may commence revocation in accord with this section.

(11) Structural, Design and Environmental Standards. (Except exempt facilities as defined in Section (3)).

1. Tower, Antenna and Facilities Requirements. All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:

(a) All telecommunication facilities shall comply at all times with all Federal Communication Commission (FCC) rules, regulations, and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communication Commission (FCC) adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication tower and antenna shall meet or exceed the standards and regulations, in place at the time of the issuance of the Permit, of the Federal Aviation Administration (FAA), the Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), the Federal Communication Commission (FCC), and any other agency of the State and/or Federal Government with the authority to regulate towers and antennas.

(b) Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the Town to be otherwise.

(c) All ground mounted telecommunication towers shall be self-supporting Monopoles, Lattice Towers, Alternative Support Structures, Camouflaged Towers or Stealth Facilities. Guyed towers are not permitted.

(d) Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

(e) Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story, fifteen feet (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.

(f) Telecommunications towers, facilities and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Town of Sioux Creek Subdivision Ordinance, Barron County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), American National Standards Institute (ANSI), and Electronic Industry Assoc./Telecommunication Industry Association (EITT/TIA) 222-E. 3., in effect at the time of manufacture.

(g) The maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the roof.

(h) 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 actual interference and/or obstruction shall be corrected by the applicant at no cost to the Town.

2. **Height.** The height of a telecommunication tower shall be measured from the original grade at the base of said 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 similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. The maximum height of any monopole or lattice tower shall be two hundred (200) feet, subject to the exceptions in Sections 3 and 9.

3. **Lighting.** Telecommunications towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority. All night lighting shall be red within one hour after sunset and until one hour prior to sunrise.

4. Site Development, Roads and Parking.

(a) A leased parcel intended for the location of new telecommunication tower(s) and equipment building(s), shall maintain a minimum parcel size of twenty-five hundred (2,500) square feet. The Town of Sioux Creek Town Board may modify the parcel size requirement after public hearing and review.

(b) A parcel owned by the telecommunication carrier and/or provider and intended for the location of new telecommunication tower(s) and equipment building(s), shall meet the minimum parcel size requirement of the Town or Barron County ordinances.

(c) All antenna and tower sites which are not situated directly adjacent to a public roadway shall be served by a minimum thirty (30) foot wide easement with a turn around. The Town of Sioux Creek Town Board may modify the easement and turn around requirement after public hearing and review. All sites shall use existing access points and roads wherever possible. The access point to the site shall be approved by the Town of Sioux Creek, or Barron County depending on road jurisdiction.

5. Vegetation Protection and Facility Screening:

(a) Except exempt facilities as defined in Section (3), all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing vegetation and shall include suitable mature landscaping to screen the facility. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of an initial height of 5 feet that will provide a buffer area of at least 4 feet in width that will provide the appropriate level of visual screening immediately upon installation.

(b) Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

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

6. **Fire Prevention.** All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

7. **Noise and Traffic.** All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section (3):

(a) Noise producing construction activities shall only take place on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and

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

8. **Signs.** 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 unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than 6 square feet.

(a) No commercial advertising signs may be located on the telecommunications facilities.

(13) Separation and Setback Requirements. (except exempt facilities as defined in Section (3)).

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

Monopole - 1 mile

Alternative Support Structures - No Minimum

Camouflaged Towers - No Minimum

Stealth Facilities - No Minimum

(a) Additional towers may be permitted subject to review and approval of the Town Board

2. **Setbacks.** All setbacks shall be measured from the base of the tower or structure.

(a) Setbacks from all habitable residential buildings, except buildings located on the subject parcel, shall be a minimum of 1,320 feet.

(b) Setbacks from all historic sites and districts. All new towers shall be setback a distance equal to 125% of the height of the tower from historic sites and districts.

(c) Setbacks from the road right of ways of all streets. All new towers shall be setback a distance equal to 125% of the height of the tower from all streets.

(d) Setbacks from property lines. All new towers shall be setback a minimum of 125% of the height of the tower from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.) This setback requirement may be modified by the Town of Sioux Creek Town Board after public hearing and review.

(e) Setback from the Ordinary High Water Mark (OHWM). All new towers shall be setback a minimum of 125% of the tower height from the Ordinary High Water Mark ((OHWM) of a navigable lake or stream.

(f) Guy Wire Anchor Setback. All guy wires shall be at least twenty-five (25) feet from all property lines. This setback requirement may be modified by the Town of Sioux Creek Town Board after public hearing and review.

(14) Permits.

A permit issued under this Ordinance shall be required before any telecommunications facility is constructed in the Town of Sioux Creek, subject to the exceptions at Section (3) and subject to the further exception that the co-location of such facilities on an existing tower shall be exempt from the information submittal requirements of Section (1); provided, nonetheless, that co-location shall require the submission of a permit application for review and approval by the Town Plan Commission as meeting with the following limitations: The co-location of an antenna to an existing tower shall not extend the height of the tower by more than fifty (50) feet above its original elevation. All towers in the Town, whether permitted or non-conforming, may be extended once by not more than (50) feet in order to accommodate co-location.

1. Permitted Uses:

(a) **Locating/Installing** an antenna that adds no more than fifty (50) feet to the height of a new or existing alternative support structure or an existing telecommunication tower, including placement of additional buildings or other supporting equipment used in connection with said antenna, subject to meeting all other sections of this Ordinance.

(b) **Existing Non-conforming and conforming** Telecommunication Towers, Antennas and Facilities may be increased one time during the life of the tower, a maximum of fifty (50) feet in order to accommodate co-location.

(15) Appeal Procedures.

A person aggrieved by any decision of the Town of Sioux Creek Board or Plan Commission regarding the siting of a telecommunications facility, may have such decision reviewed as provided in the Town’s Ordinance Regarding Administrative Appeals.

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 Sioux Creek Board declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid. This Ordinance shall be published in the manner and form required by the Wisconsin Statutes as amended from time to time, and shall be effective on the date of publication or posting.

1. Upon recommendation of the Town of Sioux Creek Plan Commission, the Town of Sioux Creek Board shall, from time to time, establish and review fees for application processing, annual information, existing information, review fees, security for removal, and any other fees that the Town Board may deem appropriate as it applies to this Ordinance.

2. No application shall be considered filed with the Town unless, and until said application is accompanied by the appropriate application fee.

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 12th day of December, 2006

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

TOWNBOARDCHAIR Jerry Huset
 (Signature)

SUPERVISOR Larry Larson
 (Signature)

TOWN CLERK Kathleen L. Martin
 (Signature)

SUPERVISOR Oscar Skoug
 (Signature)