

**TOWN OF GRANT
WIRELESS TELECOMMUNICATION TOWER AND ANTENNA ORDINANCE**

I. PURPOSE

The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunication towers and antennas for use in providing personal wireless services and the legitimate interest of the Town of Grant in regulating local zoning. The goals of this ordinance are to protect residential areas and other land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the town to encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety impacts of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. The Town shall take into consideration the location of, and possible impact to, known migratory bird flyway routes during siting and placement of telecommunication facilities. In furtherance of these goals, the Town shall give due consideration to the Comprehensive Plan, the Zoning Ordinance, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

II. JURISDICTION

The jurisdiction of this ordinance shall be limited to the Town of Grant.

III. DEFINITIONS

Alternative Support Structure – clock towers, steeples, silos, light poles, water towers, electric transmission towers, building or similar structures that may support telecommunications facilities.

ANS/TIA/EIA – American National Standard/Telecommunication Industry Association/Electronic Industrial Association.

Antenna – Any device or equipment used for the radiation or gathering of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (dish), but excludes satellite antennas with diameters of two feet or less.

Applicant – Any person, carrier/provider, firm, partnership or company who files an application for any permit required by this ordinance for the construction, replacement or alteration of the wireless telecommunication facility or any component thereof.

Camouflaged Tower – Any telecommunication tower that due to design or appearance blends the tower into the surrounding environment; hiding, obscuring or otherwise concealing the presence of the tower and antennas.

Carrier – Companies licensed by the FCC to build personal wireless telecommunications facilities and operate personal wireless telecommunication services. Also called provider.

Collocation – The location of more than one (1) antenna or set of antenna of more than one (1) government or commercial wireless communication service providers on the same tower structure.

CUP-Conditional Use Permit

Dual Lighting-Red lights for nighttime and medium intensity flashing white lights for daytime and twilight.

FAA – Federal Aviation Administration

FCC – Federal Communication Commission

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 lower tower itself.

Height – The distance measured from existing ground level to the highest point on any tower or structure, including any antenna.

Lattice Tower – A telecommunications tower that consists of vertical and horizontal supports and crossed metal braces, with no other means of support besides the superstructure of the tower itself.

Monopole – A telecommunications tower of a single pole design, with no other means of support besides the superstructure of the tower itself.

Non-conforming – Any telecommunications facility that was in existence prior to the adoption of this ordinance and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption date of this Ordinance. This definition shall only apply to this specific ordinance and shall not apply to other Town of Grant Ordinances.

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

Provider – see Carrier

Satellite Dish – A device incorporating a reflective surface that is solid, open mesh or bar configured that is a 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.

Shorelands – Lands within the following distances from the ordinary high-water mark of navigable waters: 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of floodplain, whichever distance is greater.

Telecommunication Facility – A facility, site or location that contains one or more antennas, towers, alternative support structures, satellite dish antennas, other similar devices and support equipment which is used for transmitting, receiving or relaying telecommunication signals, excluding exempted facilities.

Tower – Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas (or is itself an antenna), including guy towers, monopole towers and self-supporting lattice towers and any support.

Tower Accessory Structure - Any structure located at the base of a tower for housing base receiving/transmitting equipment.

Wireless Communication/Telecommunication- any personal wireless services as defined in the Federal Telecommunication Act of 1996, including FCC licensed commercial wireless telecommunication services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile

radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.

IV. APPLICABILITY AND EXEMPTIONS

- A. Pre-existing towers and antennas. Any tower or antenna for which a permit has been issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance other than GENERAL REQUIREMENTS subsections (A), (B) and (F). Any addition or changes to a pre-existing tower shall make such tower subject to all applicable requirements of this Ordinance;
- B. District height limitation. The requirements set forth in this Ordinance shall govern the design and siting of towers and antennas that exceed the height limitations specified for each zoning district under Town of Grant Zoning Ordinance.
- C. Television antennas, satellite dishes, amateur radio, receive only antennas. This Ordinance shall not govern the installation of any tower or antenna that is owned and/or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas, provided that the primary uses of property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property. Commercial antennas attached to such a tower or any tower modification made for the purpose of accommodating such an antenna shall comply with all applicable requirements of this Ordinance.
- D. Mobile services providing public information coverage of news of a temporary or emergency nature shall be exempt from this Ordinance, but subject to approval by the Zoning Administrator or his/her designee.
- E. Two way communications towers 60 feet in height or less used for private communications are exempt from the provisions of this ordinance.

V. GENERAL REQUIREMENTS

- A. Upon application, an escrow account in the amount of \$8,500 is required to hire an independent consultant and/or reimburse the Town of Grant to determine purpose and need and to perform technical review. When the escrow account amount is less than \$2,500, the application is halted until the amount is replenished up to \$5,000. Any remaining fund will be returned to the applicant.
- B. All towers and antennas shall comply with all FCC and FAA laws and regulations.
- C. Design and installation of all towers and antennas shall comply with the manufacturers' specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Wisconsin;
- D. Installation of all towers and antennas shall comply with applicable Wisconsin building and electrical codes and Town of Grant Ordinances;
- E. For leased sites, written authorization for siting the wireless telecommunication facilities from the property owner must be provided as set out in PERMIT REQUIREMENTS Section B(3);
- F. All towers and antennas greater than 100 feet may require artificial illumination with dual lighting. Avian friendly illumination shall be a component and/or consideration of the lighting design.
- G. All unused towers and antennas must be removed by the owner/operator within 12 months of cessation of operation or use, unless the Zoning Administrator provides a written exemption. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed to within 5 feet below existing ground. Removal of anchoring elements to a depth less than 5 feet

may be approved if the applicant can provide information that the reduced depth will not have an adverse impact on use of the land after restoration. If removed and/or restoration is not completed within 90 days of the expiration of the 12 month period specified herein, the town is authorized to order completion of the removal and site restoration at owners expense.

- H. Proposals to erect new towers and antennas shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
- I. Collocation of multiple users upon a single tower is the preferred method of siting multiple antennas.
- J. All ground-mounted telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted to the Plan Commission that a guyed tower is required.
- K. Only one (1) tower is allowed on a parcel of land. Applications to place multiple towers upon a single parcel shall require credible evidence that collocation is not practical. Additional towers upon a single parcel may be allowed with a CUP, and such towers shall be placed as close together as is technically possible.

VI. PROHIBITIONS

- A. No temporary mobile communications sites are permitted except in the case of equipment failure, equipment testing, and equipment replacement or in the case of emergency situations. Placement of temporary equipment shall be limited to 90 days unless extended in writing by the zoning administrator.
- B. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- C. The fall zone of any tower or antenna shall not extend across or over any road right-of way, sidewalk or property without permanent recorded easement.

VII. DISTRICT REQUIREMENTS

- A. Areas prohibiting telecommunications facility location:
 - 1. Floodplains;
 - 2. Wetlands;
 - 3. Shorelands;
 - 4. Residential-zoned Districts
 - 5. Conservancy-zoned district
- B. Telecommunication's facilities are regulated according to the zoning districts in which the property is located. Refer to Town of Grant Zoning Ordinance.

VIII. PERFORMANCE STANDARDS

Except as provide in this ordinance all wireless communication facilities shall meet the dimensional standards of the zoning district in which they are located.

IX. SETBACK AND SEPARATION

- A. Tower structures shall be set back from the nearest property and/or lease lines a distance equal to the height of the tower.
- B. Tower structures shall be set back from the nearest road right-of way a distance equal to the height of the tower, or the right-of-way setbacks established in the Town Of Grant Zoning Ordinance, which ever is greater.
- C. All guy wires anchors shall be set back at least twenty-five (25) feet from all property and/or lease lines. Subsurface anchors or portions of anchors that are subsurface shall be located on the property in which the tower has been constructed.
- D. 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.
- E. The required separation distance between tower and dwelling and/or subdivision may be reduced by obtaining the written agreement of the adjacent property owner and Zoning Administrator.

X. COLLOCATION/SHARING OF FACILITIES

- A. No tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Board that no existing tower or structure can accommodate the applicant's proposed antenna. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within one mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible location. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Town Board as a mean of demonstrating the need for a new tower. Supporting evidence of the need for a tower may consist of one or more of the following conditions:
 - 1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - 3. Existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
 - 4. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
 - 5. The fees, cost or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Cost are considered reasonable if they conform to contractual terms standard in the industry (within the Central Wisconsin area) or do not exceed the cost of new tower development.
 - 6. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- B. New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least four (4) additional users (minimum of five (5) users required for each tower structure). Towers must also be designed to allow for future rearrangement of antennas on the tower and accept

antennas mounted at different heights. The requirement for construction to allow a minimum of four (4) additional users may be waived by the Town Board if evidence is provided by a registered independent engineer that a special circumstance exists that would prevent the proposed tower structure from feasibly supporting additional users.

- C. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon the structure shall be acquired during the permit approval process through negotiations with the applicant.

XI. SCREENING AND LANDSCAPING

All telecommunications facilities, except exempt facilities as earlier defined, shall be designed to blend into the surrounding environment to the greatest extent feasible.

- A. 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 material 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 four (4) feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level.
- B. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Town Board. 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 Ordinance.
- C. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current and subsequent growing season.
- D. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function

XII. SECURITY FENCING, LIGHTING AND SIGNS

- A. 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 a locked gate.
- B. Security lighting for on-ground facilities and equipment is permitted, as long as it is down-shielded and has motion detection sensors to keep light within the boundaries of the site and as needed.
- C. 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, telephone number and FCC license number for contact in case of emergency.
- D. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

XIII. COLOR AND MATERIALS

- A. Telecommunication towers shall be constructed out of metal or other nonreflective materials, unless specifically permitted by the Town to be otherwise.
- B. Telecommunication support facilities shall be constructed out of nonreflective materials (visible surfaces only) and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping. Support facilities shall be no taller than one story (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be located or designed to minimize their visibility.
- C. Telecommunication facility towers shall be painted a non-contrasting color in relation to its environment to minimize its visibility, unless otherwise required by the FCC or FAA. Galvanized towers may be permitted.
- D. Camouflaged towers and related facilities are encouraged and may be required in historical, environmental or other sensitive areas as determined by the Town Board. Stealth or concealment technology is encouraged such as placement on a steeple or silo.

XIV. PARKING AND ACCESS

- A. Minimum parking is considered to be one stall for each prospective user of the site. Access must be provided by an all-weather gravel or paved driveway. The Town Board may require additional parking if the minimum parking proves to be inadequate.
- B. All sites must be served by a minimum twenty (20) foot wide ingress/egress with a turnaround. All sites shall use existing access points and roads whenever possible. The Portage County Highway Department, State of Wisconsin Department of Transportation, or the applicable municipality depending on road jurisdiction shall approve the access point to the site.

XV. PERMIT REQUIREMENTS

- A. The construction, installation or alteration of any wireless telecommunication facility requires the issuance of a zoning permit and CUP. Refer to Section 5 (Permits) and Section 6 (Conditional Use Permits) of the Town of Grant Zoning Ordinance for requirements. A new antenna to an existing tower may require a zoning permit.
- B. Applications. Applications for conditional use permits for wireless telecommunication facilities shall include the following supplement information:
 - 1. Completed conditional use application form and appropriate fee. The form must have the original signature of the applicant/agent and property owner (if the telecommunication facility is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application); the identity of the carrier/provider, applicant, property owner and service provider and their legal status; and the name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.
 - 2. A site plan, plat of survey, plan drawings (drawn to a commonly use engineer scale ie. 1"=20' or 1"=50') showing a written legal description of the parcel boundaries including lease boundaries and acreage), tower and support facilities including dimensions, the lighting and painting to be used on tower and building(s), access, screening and landscaping, security fencing, signs, parking, zoning district, adjacent zoning districts if different than site, existing and proposed contours, location map, north arrow and plan scale.

3. In the case of a land-leased site a copy of a lease agreement or binding lease memorandum, or a letter signed by all parties, shall be submitted which shows on its face that it does not preclude the tower owner from entering into sub-leases on the site with the carrier/provider(s), and the legal description and amount of property leased.
 4. Submittal of information including:
 - a. A description of the proposed tower's height and capacity, including the potential number and type of antennas and carriers/providers that it can accommodate.
 - b. Location of all sites that were considered as possible alternates to the site being applied for, and the reasons for recommending the current site.
 - c. A photo simulation of the proposed facility from adjacent properties and public right-of way.
 5. Each application shall include a facility plan. The Town will maintain an inventory of all existing and proposed wireless communication site installations and all tower owners and/or carrier-provider shall provide the following information in each plan. The plan will contain information on the applicant's sites only, and must be updated with each submittal as necessary.
 - a. Written description of the type of consumer services each carrier/provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
 - b. Provide a list of all existing sites to be upgraded or replaced and proposed telecommunication sites within the Town for these services to be provided by the provider.
 - c. Provide access to a map that shows the geographic service area of the existing and proposed telecommunication sites in the Town and the nearest sites in adjacent municipalities.
 6. Property owners acknowledgement. Written acknowledgement by the property owners of a leased site that he/she will abide by all applicable terms and conditions of the Zoning Ordinance and CUP, including the restoration and reclamation in General Requirements F. Such acknowledgement shall be made applicable to all successors, heirs and assignee.
 7. Additional information and analysis. The Zoning Administrator, Plan Commission or Town Board at their discretion may require additional information deemed necessary to facilitate review of the request. The Plan Commission or Town Board may employ, on behalf of the Town, an independent technical expert to review technical material submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable cost of such review and/or independent analysis utilizing the escrow account required by this Ordinance.
- C. Submittals required following the CUP approval. For each CUP approved by the Town Board applicant shall submit the following to the Town Clerk before the permit will be issued:
1. A report stamped and signed by a professional engineer registered in the State of Wisconsin with expertise in telecommunication facilities which:
 - a. Certifies that a detailed engineering soil report has been completed and that the design of the tower foundation is based on that report.
 - b. Describe the tower height and design, including a cross section elevation and foundation design.
 - c. Certifies the facility's compliance with structural and electrical standards.

- d. Certifies that the applicant (or tower owner/carrier/provider the applicant represents) has a valid license from the FCC (where applicable) to operate the proposed facilities and identifies both the class of the license and the license holder.
 - e. Describes how the requirements and standards of this Ordinance will be met by the proposed facilities.
2. Copies of the determination of no hazard from FAA including any aeronautical study determination other findings and the Wisconsin State Bureau of Aeronautics, if applicable.
 3. Copies of an affidavit of notification of the airport operator and airport property owner(s) within the areas limiting telecommunication facility location, if applicable.
 4. Copies of any environmental assessment reports on Form 854 or other appropriate forms submitted to the FCC, if applicable.
 5. Copies of any filings submitted to the FCC shall be submitted within 30 days of filing, subject to review of the Zoning Administrator or his/her designee, if applicable.
 6. Submit a construction schedule with anticipated completion date.
- D. Annual Information Report. The purpose of the annual review report is to provide the town with accurate and current information concerning the telecommunication tower owners and carrier/providers who offer or provide telecommunication 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 local, state and federal laws. All telecommunication tower owners and carrier/providers of any new or existing telecommunication facility shall submit annually on or before January 31st of each year, to the Town Board a telecommunication facility annual information report. The annual report shall include the owner and operation names, addresses, phone numbers, contact person(s), and any other appropriate information deemed necessary by Zoning Administrator. Tower owners and operators shall supply the number of collocation positions designated, occupied or vacant. The information shall be submitted on a Town form, designated for such use, and shall become evidence of compliance.

XVI. NON-COMPLIANCE/REVOCAION

Grounds for revocation of the CUP shall be limited to one or more of the following findings as determined by Town.

- 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 special exception permit;
- B. The permittee has failed to comply with the conditions of approval imposed;
- C. The facility has not been properly maintained. If one or more of these findings exist, Zoning Administrator shall report to the Town Board of the non-compliance. The owner of the site, service provider and/or tower shall be notified of the non-compliance and given an opportunity to present their position to the town board. If the board determines that the facility is non-compliant, a corrective notice shall be given with a time period specified. If compliance is not obtained in the time identified, the CUP will automatically be rescinded.

XVII. TRANSFERABILITY

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

XVIII. SEVERABILITY

If a court of competent jurisdiction adjudges any portion of this Ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

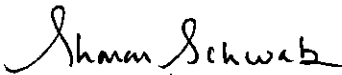
XIX. ENFORCEMENT AND PENALTIES

The provisions of this Ordinance shall be enforced under the direction of the Town Board through the Plan Commission, the Zoning Administrator and County Law Enforcement Officers and Section XII (Violations And Penalties) of Town of Grant Zoning Ordinance.

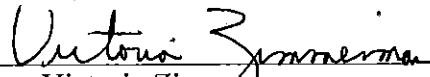
The Grant Town Board voted to adopt this ordinance on April 16, 2008.

Signed:

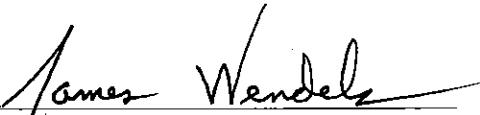
Witness:



Sharon Schwab - Chairman



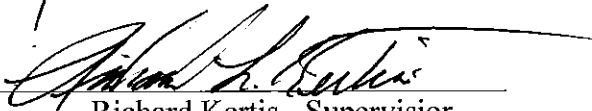
Victoria Zimmerman



James Wendels - Supervisor

5/14/08

Dated



Richard Kertis - Supervisor

Posted: June 6, 2008

Town Hall
Transfer Station
Oak & Townline Rd