

# PEPIN COUNTY BOARD OF SUPERVISORS

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DATE: December 21, 2000

TO: Municipal Clerks

FROM: Peggy Schlosser, Pepin County Board Chairperson



RE: Telecommunications Towers, Antennas and Related Facilities Ordinance

Enclosed you will find a copy of the newly adopted Pepin County Telecommunication Tower Code which will become effective January 1, 2001.

The code was adopted under the policing powers of the county and will apply in all unincorporated areas of the county and basically accomplishes the following:

1. Minimizes adverse effects of telecommunications towers by limiting numbers of tower based upon location;
2. Establishes a permit process and record keeping process for regulated towers;
3. Encourages co-location of antennas on towers;
4. Ensures towers are constructed to state and federal standards.

It should be pointed out that the code is not a zoning ordinance in the fact it does not establish areas where towers are or are not allowed to be placed.

If you have any questions, please feel free to contact the County Zoning Administrator John Egli, who has been given the responsibility of administration of the code.

AMENDMENT # 28 TO ORDINANCE NO. 179

AN AMENDMENT TO ORDINANCE #179 OF THE COUNTY OF PEPIN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY ADDING CHAPTER 22, TELECOMMUNICATIONS TOWERS, ANTENNAS AND RELATED FACILITIES.

BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:

Section 1. Authority. This ordinance is enacted under the authority of Section 59.03 Wis. Statutes.

Section 2. That the code of Ordinances of the County of Pepin be amended by adding a chapter to be numbered and read as follows:

**CHAPTER 22 TELECOMMUNICATIONS TOWERS, ANTENNAS AND RELATED FACILITIES**

Chapter: 22.000 shall apply to provide development standards relating to specific types of telecommunications towers, antennas and related facilities.

**22.010. Purpose and Intent.** The purpose and intent of this Code is for the erection, installation and use of antennas and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Pepin County pursuant to the authority vested in the County under §59.54(6), Wis. Stats., and to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

It is intended that the County shall apply the regulations of this Code 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 Pepin County 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 Pepin County citizens.
4. Protect environmentally sensitive areas of Pepin County by regulating the erection, 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, and construction of towers with the ability to locate three or more providers.
6. Avoid potential damage to adjacent properties from the construction and

operation of wireless communication facilities through structural standards and setback requirements.

Furthermore, this Code 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 sec. 59.69(4d), or its successor sections, of the Wisconsin Statutes as amended from time to time or as preempted by Federal law.

**22.020. Definitions.** For the purpose of Chapter 22.000 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 a 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.

Co-location: The location of more than one antenna or set of antennas on the same tower structure.

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 original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices(e.g., lightning rods) and lighting.

High Power Transmission Line: A 69 kV or greater electric transmission line with towers at least 75 feet in height.

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 Pepin County Zoning maps.

Non-Conforming: Any pre-existing telecommunications facility that was in existence prior to the adoption of this Code.

Operation: Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

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

Satellite Dish: A device incorporating a reflective surface that is solid, open, mesh, or bar configured that is shell, dish, cone, horn, or cornucopia shaped and is suited 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.

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 22.030.

Telecommunication Facility Colocated: 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 22.030.

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 Pepin County Zoning Department.

Wireless Communications: Any personal wireless services as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunication services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or may be developed.

**22.030 Exempt from County Review.** The following shall be permitted without County approval:

- (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 stand (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 permit under this ordinance 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. Antennas, their supporting towers, poles or masts and their equipment building to be located in an exclusive agricultural zoning district are subject to meeting the requirements of Wisconsin State Statute 91.01(1) as amended from time to time.
- (5) Antennas installed on, or attached to, any existing building (Building Mounted Antenna), an existing telecommunication tower, or alternative support structure and their equipment buildings 350 square feet or less in size, when the height of the 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. Antennas, installed on, or attached to, any existing building, an existing telecommunication tower, or alternative support structure and their equipment buildings to be located in an exclusive agricultural zoning Statute 91.01(10) as amended from time to time.
- (6) Utility Pole Mounted Antennas if the height of the antenna is 30 feet or less above the highest part of the utility pole.

**22.040 Compliance With Zoning Regulations Required.** No telecommunications facility may be erected at any location in the County if prohibited by applicable zoning regulations.

**22.050 Telecommunication Facility Permit Application.** No telecommunication facility may be erected or operated without a permit from the County. Applications for permits shall include the following. Applications shall be submitted to the Zoning Office and, at the discretion of the administrator, an application may be submitted to an advisory public hearing prior to its processing.

- (1) **Submittal Information.** For all telecommunication facilities, except exempt facilities as defined in Section 22.030, the Zoning Office shall require

the following information to accompany every application. Said information shall include, but may not be limited to:

- (A) Completed conditional use application and fee of \$1,500.00.
- (B) Applications. In addition to the application requirements of any applicable county codes, all applications for building permits or special exception permits for new wireless communication facilities shall include the following information:
  - (a) A report from a registered professional engineer and other professionals which:
    1. Describes the tower height and design, including a cross section and elevation;
    2. Certifies the facility's compliance with structural and electrical standards;
    3. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
    4. Certifies that the facilities will not cause destructive interference with previously established public safety communications systems; and
    5. Describes how the requirements and standards of this subchapter will be met by the proposed facilities.
  - (b) Each application shall include a facility plan. The county will maintain an inventory of all existing and proposed wireless communication site installations and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
    1. Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR paging or other anticipated wireless communication services).
    2. Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the County for these services to be provided by the provider.
    3. Provide a map of the County which shows the geographic service areas of the existing and proposed cell sites.
  - (c) Landowner Acknowledgment. Written acknowledgment by landowner of a leased site that he/she will abide by all applicable terms and condition of the building permit or special exception permit, including the restoration and reclamation requirements of section 22.110(2) and 22.111(3) of this Code.
  - (d) Additional Information and Analysis.

1. The Zoning Committee may, at 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.
2. The Zoning Department or Zoning Committee may employ, on behalf of the County, an independent technical expert to review technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.

(e) Existing Tower/New Antenna. Applications for a building permit to add a new antenna to an existing tower or structure shall be exempt from the requirements of par. (1) (B) (b) of this section.

(f) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.

(2) **Co-Location/Sharing of Facilities.**

(A) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any 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 structural strength to support 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. Costs exceeding new tower development are considered unreasonable.
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 2 additional users if the tower is 130 feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.

(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 the Federal Communication Commission (FCC), if applicable.

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

(d) Proof of Bond as security for removal.

**22.060 Annual Information Report.** The purpose of the annual review report under this Section is to provide the County with accurate and current information concerning the telecommunications tower owners and providers who offer or provide telecommunications services within the County, or that own or operate telecommunication facilities within the County, to assist the County in enforcement of this Code, and to assist the County in monitoring compliance with the conditional use permits and this Code.

(1) **Annual Information Report.** All telecommunications tower owners of any new or existing telecommunication tower shall submit annually on or before January 31 of each year, to the Pepin County Zoning Department, a Telecommunications Facility Annual Information Report. The Annual Report shall include the tower owner name(s), address(es), phone number(s), contact person(s), annual review fee, proof of bond as security for removal, and the legal description of the location of the tower. The tower owner shall supply the tower height and current occupancy, if applicable. This information shall be submitted on a County form, designated for such use, and shall become evidence of compliance.

(2) **Annual Information Report Fee.** Following the conditional use approval, every year thereafter the tower owner shall submit, on or before January 31 of each year, to the Zoning Department, the annual 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 Pepin County Zoning Department.

(3) At any time that the Zoning Department has reason to believe that an existing tower has become a safety risk or is structurally unsafe, it can require the tower owner to perform an inspection of the tower by a registered engineer and to provide a copy of the inspection results to the Department within sixty days of the Department's order to perform an inspection. The Zoning Department shall provide the owner of the tower with the information which formed the basis for the Department's

belief that the tower was unsafe or a safety risk before ordering an inspection of the tower be performed.

**22.070 Removal/Security for Removal.**

- (1) It is the express policy of Pepin County and this code 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.
- (2) **Security for Removal.** The telecommunications tower owner shall provide to Pepin County, prior to the issuance of the permit, a performance bond in the amount of Twenty Thousand Dollars (\$20,000.00) or a bond in such amount as a qualified tower removal contractor has estimated in writing upon request of the County as covering the cost of removal of a tower no longer in operation. The sufficiency of the bond may be subject to review at the discretion of the County at intervals of ten (10) years. If, upon such review the amount of the bond previously posted is insufficient, the permit holder shall, upon request of the County, increase the bond to cover the projected cost of removal.

**22.080 Pre-existing Telecommunication Towers and Antennas.**

- (1) Owners of non-conforming and conforming telecommunication towers, and facilities may add to, move, or replace the tower and facilities upon review and approval by the Zoning Department. 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 code. Routine maintenance and repair on telecommunications facilities is permitted. See Section 22.140(1)(A).
- (2) 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 or an improved condition, and anchoring elements shall be removed from the ground to within 8 feet of ground level. If removal and/or restoration is not completed, the County is authorized to complete the removal and site restoration and the cost shall be assessed against the property as a special assessment. Any addition or change to a preexisting tower or antenna shall comply with all applicable requirements of this subchapter.

**(3) Existing Use Review**

- (A) **Existing Use Review for Those Towers Structurally Capable to Co-Locate.** Beginning July 1, 2000, all telecommunications tower owners, applicable to the requirements of this Code operating in Pepin County prior to the adoption of this Code, shall provide the information required under sec. 22.080(1) (except proof of bond and proof of insurance), of this Code 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 Pepin County Zoning Department.

(B) **Existing Use Review for Those Towers Structurally Incapable of Co-Location.** Beginning July 1, 2000, all telecommunications tower owners, applicable to the requirements of this Code, operating in Pepin County prior to the adoption of this Code, shall provide the information required under sec. 22.080(1) of this Code (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 Pepin County Zoning Department.

**22.090 Compliance.**

(1) **Revocation.** Grounds for revocation of the permit shall be limited to one of the following findings as determined by the Pepin County Zoning Department.

- (A) The owner of such site, service provider and/or tower owner fails to comply with the requirements of this code 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;
- (D) The facility is not in compliance with applicable zoning regulations.

(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 Zoning Committee.
- (B) The owner may bring the site into compliance to the satisfaction of the Zoning Committee within 30 days from the date the notice was mailed.
- (C) If compliance is not obtained within 30 days, the Zoning Department shall notify the Zoning Committee of noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)
- (D) The Zoning Department shall petition the Zoning Committee for a public hearing before the Zoning Committee upon publication of a Class 2 notice in the legal newspaper of Pepin County.
- (E) A copy of a hearing notice shall be mailed by certified mail to the owner of record of the tower site at least two weeks prior to the hearing date.

(F) A representative of the Zoning Department shall appear at the hearing before the Pepin County Zoning Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.

(G) A written decision of the Pepin County Zoning Committee will be made within thirty days of the hearing.

(3) **Abandonment.** 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 Pepin County Zoning Department, 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 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 Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Zoning Department does not occur within said ninety (90) days, the Zoning Department may order removal utilizing the established bond as provided under Section 22.090 and salvage said antenna or tower and all supporting equipment and buildings. If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.

(B) The recipient of a permit for a telecommunications facility under this Code shall notify the Pepin County Zoning Department when the facility is no longer in operation. Failure to do so is a violation of the code and can result in the loss of such a permit.

**22.110 Structural, Design and Environmental Standards.** (Except exempt facilities as defined in Section 22.030)

(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 towers and antennas 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 Zoning Committee to be otherwise.

(C) All ground mounted telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted to the Zoning Committee that a guide tower is required.

(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 nonreflective materials (visible exterior surfaces only). Telecommunication support facilities shall be taller than one story, fifteen (15) feet in height, measured from 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 landscaping, and shall be located or designed to minimize their visibility; and

Except exempt facilities as defined in Section 22.030, all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable landscaping to screen the facility, where necessary. For purposes of this section, "landscaping" shall mean trees, shrubs or other vegetation which are at least one-half the height of the telecommunication support facilities. In the absences of any telecommunication support facilities, the height shall be 7.5 feet or a size that will provide the appropriate level of visual screening immediately upon installation.

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

(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, Pepin County Subdivision Code, Pepin County Sanitation Code, 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 County.

(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 other 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.

(3) **Lighting.** Telecommunications towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority.

(4) **Site Development, Road, and Parking.**

(A) A leased parcel intended for the location of new telecommunication tower(s) and equipment buildings shall maintain a minimum parcel size of twenty-five hundred (2,500) square feet. The Pepin County Zoning Committee may modify the leased 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 buildings shall meet the minimum size requirement of the zoning district as provided in the appropriate Zoning Code.

(C) All sites must be served by a minimum thirty (30) foot wide easement with a turn around. The Pepin County Zoning Committee may modify the easement and turn around requirement after public hearing and review. All sites shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Pepin County Highway Department, State of Wisconsin Department of Transportation, or the applicable township depending on road jurisdiction.

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

(6) **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 22.030:

(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.

**22.111 Separation and Setback Requirements. (Except exempt facilities as defined in Section 22.030)**

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

Proposed Tower Types:	Lattice	Guyed	Monopole - 85 feet in height or greater
Lattice	1500 feet	1500 feet	750 feet
Guyed	1500 feet	1500 feet	750 feet
Monopole-85 feet in height or greater	750 feet	750 feet	750 feet

(A) Two (2) towers may be permitted to be located within 100 feet of each other subject to review and approval of the Pepin County Zoning Committee and subject to meeting the setback requirements.

(B) Three (3) towers may be permitted subject to review and approval of the Pepin County Zoning Committee when needed to satisfy the requirements of AM Broadcast operations.

(C) Camouflaged towers are exempt from separation between towers requirements listed above.

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

(A) Setbacks from all habitable residential buildings: all new towers shall be setback a distance equal to 125% of the height of the tower.

(B) Setbacks from the road rights-of-way of all streets: all new towers shall be setback from all streets a minimum of 125% of the height of the tower.

(C) Setbacks from property lines: all new towers shall be setback a minimum of 125% of 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 specific setback requirement may be modified by the Pepin County Zoning Committee after public hearing and review.

(D) 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 navigable stream or other navigable body of water.

(E) Guy Wire Anchor Setback: all guy wire anchors shall be at least twenty-five (25) feet from all property lines. This specific

setback requirement may be modified by the Pepin County Zoning Committee after public hearing and review.

**22.112 Appeal Procedures.** Any person aggrieved by any decision of the Pepin County Zoning Administrator or Zoning Committee, or its successor, regarding any decision made under this Code must, within 30 days after the filing of the decision of the Committee in the office of the Pepin County Zoning Department, commence an action in the Circuit Court seeking any remedy available by certiorari.

**Severability.** If any section, subsection, clause or phrase of this Code is for any reason held to be unconstitutional or invalid, such a decision shall not affect the remaining portions of this Code. The Pepin County Board of Supervisors declares that it would have passed this code 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.

1. Upon recommendation of the Pepin County Zoning Committee, the Pepin County Board of Supervisors 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 County Board may deem appropriate as it applies to this Code.
2. No application shall be considered filed with the County unless and until said application is accompanied by the appropriate application fee.

Zoning Committee:

Peggy Schlosser  
Peggy Schlosser  
Pete Adler  
Pete Adler  
Dean Abbott  
Dean Abbott  
Gerald P Reinhardt  
Gerald Reinhardt

Ordinance Committee:

Peggy Schlosser  
Peggy Schlosser  
Pete Adler  
Pete Adler  
Dean Abbott  
Dean Abbott  
Gerald P Reinhardt  
Gerald Reinhardt

Section 3. Effective Date: Upon passage and publication

Submitted at the request of: Zoning Committee

Date submitted to the County Board: December 20, 2000

County Board Action: Adopted VOTE: Yes 12 No 0

Attest: Carol M. Forster, County Clerk Carol M. Forster

Effective Date: January 1, 2001

Adopted: December 20, 2000

Published: Not required - mailed to municipal clerks