

The Village Board of the Village of Rosholt, Wisconsin, do ordain as follows:

WIRELESS COMMUNICATION TOWERS

1.0 Purpose The purpose of this ordinance is to establish regulations for wireless communications facilities that minimize adverse impacts to the community; encourage the location of antenna support structures in non-residential zoning districts; minimize the total number of antenna support structures within the community; encourage the joint use of new and existing antenna support structures; encourage the attachment of antennas to existing structures; identify appropriate locations for wireless communications facilities; ensure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening and innovative camouflaging techniques; consider the health and safety of wireless communications facilities; avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures; facilitate the provision of wireless communications facilities; and enhance the ability to provide wireless communications facilities to the community quickly, effectively and efficiently.

1.1 ANTENNAS TO WHICH THIS CHAPTER HAS NO APPLICATION:

The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, receive- only antennas, antennas less than 70 feet in height and owned and operated by a federally- licensed amateur radio station operator, to any tower or antenna lawfully in existence in the village on the date that this chapter becomes effective, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio and/or television broadcasting facilities.

1.2 BUILDING CODE The construction and installation of antenna support structures, antennas, antenna arrays, the installation or placement of antenna arrays on buildings, and the placement of antennas on alternative antenna support structures, shall be subject to the requirements of the village Building Code the requirements of the Electronics Industries Association/Telecommunications Industries Association, and any additional standards applicable thereto published by the Electronics Industries Association.

1.3 LIGHTING No antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency,

1.4 SIGNAGE There shall be no signs, symbols, flags, banners or other devices or things attached to or painted or inscribed upon any antenna support structures, or antennas

1.5 FINISH All lattice towers and monopole towers shall be finished in a non-reflective neutral color or otherwise as directed by the Community Development Department.

2.0 LOCATIONS OF ANTENNAS TO BE USED FOR CO-LOCATION OF WIRELESS COMMUNICATIONS SERVICE:

2.1 Existing structures - Towers may be attached to existing towers or structures in the following zoning districts:

2.2 Permitted Use - M-1 Industrial district, B-1 & 2 Commercial Districts, C Conservancy District, and A Agricultural.

2.3 Conditional Use - Residential Districts

Antenna Attached to Existing Tower or Structure

Industrial	-----Commercial-----	Residential	Ag
Conservancy			
M1	B1,2		Cons
Attached	Permitted Permitted Permitted	Conditional	Permitted
Antenna	------(Not permitted Single Family or duplex buildings) ---		
Height	---underlying zone	--Not greater than 20' above existing structure	
Max. incl. airport height zone	--incl. airport height zone-----		
Setbacks structure setback limits	--- structure setback limits-----		

Antenna arrays may be mounted on the top of and attached to roofs of existing buildings or structures that are at least thirty feet (30') or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided, however, that such antenna arrays shall add not more than twenty feet (20') to the total height or elevation of such building from the street grade, (including the antenna array) and antenna arrays so mounted shall be obscured from view from the street upon which such building fronts by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.

2.4 REQUIRED CO-LOCATION OF ANTENNAS AND ANTENNA SUPPORT STRUCTURES:

All antenna support structures shall be available for use by the owner or initial user thereof, together with as many other wireless communication service providers as may be technically accommodated.

3.0 NEW FREESTANDING ANTENNAS

No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village that no existing antenna support structure, alternative support structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's need for an antenna or antenna array at the site of the applicant's proposed location. An applicant shall submit information requested by the Village Board relating to the availability of suitable existing antenna support structures, alternative antenna support structures, or alternative technology. Evidence submitted to demonstrate such facts may consist of the following:

- a. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; and/or
- b. that existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicants' engineering requirements; and/or
- c. that existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment; and/or
- d. that applicant's proposed antennas would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support

structure, or the antennas on the existing antenna support structure or alternative antenna support structure would cause interference with the applicant's proposed antennas; and/or

e. that the fees, costs, or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative antenna support structure for co-location sharing is unreasonable. Costs exceeding new antenna support structure development are presumed to be unreasonable;

f. that there are other limiting factors that render existing antenna support structures or alternative antenna support structures unsuitable; and/or

g. that an alternative technology that does not require the use of towers or buildings for height, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new antenna support structure development shall not be presumed to render the technology unsuitable.

All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structures and/or on existing buildings or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the village may require a third-party technical study at the expense of either or both of such providers.

3.1 LOCATIONS OF NEW ANTENNA

Freestanding New Antenna

	Industrial	---- Commercial----	Residential	Agric
	MI	B1,2		Cons
New	Permitted	Permitted	Conditional	Prohibited
Antenna	>300' from residential zone			>300' from res. zone
	Conditional	Conditional		Conditional
	<300' from residential zone			<300' from res. zone
Height	150'	120'	120' 60'	150'*
Max.				
Setbacks	height	height	---height---	height*
Min.	of tower	of tower--of tower--		of tower

*exceptions to height and setback may be made in instances where the vicinity of the proposed site is not developed to its full potential and in the opinion of the Village Board the site is likely to remain undeveloped due to area constraints,

3.2 PUBLIC OWNED PROPERTY In addition to all other locations allowed or allowed as a conditional use, antenna and appurtenant structures may be permitted on all publicly

owned property including land owned by the Village of Rosholt, the Rosholt School Board, and Portage County.

4.0 SUPPORT FACILITY REQUIREMENTS

a. All support facilities including buildings used for switching and other support functions shall be placed in close proximity to the support structure on which antennas are proposed.

b. Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for air conditioning, ventilation or auxiliary electrical generators, shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of 5 feet so as to be obscured from view from adjacent properties and from the street. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Support structures located on large, wooded lots with natural growth around the property perimeter may be considered a sufficient buffer by the Village Board.

Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or a person to be contacted in the event of an emergency.

Support facilities shall meet the setback requirements of the underlying Zoning District.

5.0 ANTENNA SUPPORT STRUCTURES - REMOVAL WHEN NO LONGER USED:

My antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antennas mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of a notice from the Village to do so. During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Village Board shall determine. If such structure and equipment enclosure are not so removed, the village may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. My notice given under this section is subject to appeal to the Village Board. In the event that more than one wireless communications service provider is using the support structure, then this provision shall not become effective until all users cease using such structure.

This ordinance shall take effect upon passage and promulgation.

APPROVED: Joseph Malek, President

ATTEST: Marge Olson, Clerk

Dated: 2nd day of April, 1998

Passed: 2nd day of April, 1998