

**ST. CROIX COUNTY  
CODE OF ORDINANCES  
LAND USE AND  
DEVELOPMENT**

**SECTION 17.50  
MOBILE TOWER SITING  
EFFECTIVE 8-15-17**

**ST. CROIX COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
GOVERNMENT CENTER  
1101 CARMICHAEL ROAD  
HUDSON, WI 54016  
715-386-4680  
715-386-4686 FAX  
[WWW.CO.SAINT-CROIX.WI.US](http://WWW.CO.SAINT-CROIX.WI.US)**



## 17.50 TABLE OF CONTENTS

<b>A.</b>	<b>TITLE, AUTHORITY, EFFECTIVE DATE</b>	<b>1</b>
	1. Title _____	1
	2. Statutory Authorization _____	1
	3. Effective date _____	1
<b>B.</b>	<b>Findings &amp; Purpose</b>	<b>1</b>
	1. Findings of Fact _____	1
	2. Purpose _____	2
<b>C.</b>	<b>General Provisions</b>	<b>2</b>
	1. Applicability _____	2
	2. Mobile Support Structures In The Floodplain Overlay District _____	2
	3. Mobile Support Structures In The Public Right-Of-Way _____	2
	4. Mobile Support Structures Exempt From Regulation _____	2
<b>D.</b>	<b>Permit Process</b>	<b>3</b>
	1. Permit Required _____	3
	2. Land Use Permit Application For A Mobile Support Structure & Facilities, a Class 1 Co-Location or Class 2 Co-Location _____	3
	3. Permit Decision & Appeal Process For New Mobile Support Structures and Facilities or Class 1 Co-Locations _____	4
	4. Permit Decision & Appeal Process for Class 2 Co-Locations _____	4
<b>E.</b>	<b>Standards</b>	<b>5</b>
	1. Setbacks _____	5
	2. Aeronautical Safety _____	5
	3. Removal of Mobile Support Structure & Facilities _____	5
	4. Performance Requirements _____	5
	5. Prohibitions _____	6
	6. Completion Deadline _____	6
	7. Permit Revocation _____	6
	8. Biennial Report _____	6
	9. Safety Inspection _____	6



---

# ST. CROIX COUNTY CODE OF ORDINANCES

## LAND USE AND DEVELOPMENT

### SECTION 17.50

### MOBILE TOWER SITING

The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: The St. Croix County Code of Ordinances, Subchapter VIII, Section 17.80-17.90 Wireless Communication Service and Other Transmission Facilities as amended, is repealed and created as Section 17.50 Mobile Tower Siting as follows:

#### A. TITLE, AUTHORITY, EFFECTIVE DATE

##### 1. TITLE

- a. This section shall be cited as: Section 17.50, St. Croix County Mobile Tower Siting.

##### 2. STATUTORY AUTHORIZATION

- a. Except as otherwise noted, Section 17.50 is adopted through powers granted in Wis. Stat. §59.69 for the purpose of implementing Wis. Stats. §§66.0404 and 66.0406.

##### 3. EFFECTIVE DATE

- a. Section 17.50 is effective on August 15, 2017 Ordinance No. \_\_\_\_ (2017)

#### B. FINDINGS & PURPOSE

##### 1. FINDINGS OF FACT

- a. The Board of Supervisors hereby finds as follows:
  - 1) Mobile service facilities and support structures provide an important infrastructure for a wide variety of communication tools for emergency services providers, businesses and the public.
  - 2) Mobile service facilities and support structures can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for mobile support structures that are structurally inadequate, and for mobile support structures that exceed 200 feet in height.
  - 3) Radio broadcast services and facilities provide the public with the regular provision of commercial and noncommercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images for direct reception by the general public.
  - 4) Radio broadcast services and facilities are an essential infrastructure for radio and television broadcasts which are utilized extensively by businesses and the public.
  - 5) Wis. Stats. 66.0404 and 66.0406 limit the authority of local government to regulate mobile service facilities and support structures and radio broadcast services and facilities.
  - 6) If oversized, mobile service support structures can have an adverse impact on the value of nearby property.

**2. PURPOSE**

- a. The purpose of this section is to:
  - 1) Accommodate communication, radio, and television generation needs while protecting the public health safety and welfare.
  - 2) Minimize adverse visual impacts of the associated ground structures with screening requirements.
  - 3) Minimize adverse impacts of such structures on the value of nearby property.

**C. GENERAL PROVISIONS****1. APPLICABILITY**

- a. The following regulations and standards are applicable to all mobile support structures and facilities in all zoning districts unless otherwise provided in this section.
- b. Subject to C.2. and 3. below, mobile support structures and radio broadcast services and facilities are permitted in all zoning districts, with a Land Use Permit.

**2. MOBILE SUPPORT STRUCTURES S IN FLOODPLAIN OVERLAY DISTRICT**

- a. The County is required by Wis. Stat. §87.30 and NR 116 to adopt and enforce its floodplain zoning ordinance, which is codified as Section 17.40. In addition, the placement of electrical and mechanical equipment in a floodplain is regulated by SPS 321.33(5) of the state's construction standards. Nothing in this Section shall alter or affect the obligations arising from any of those provisions.

**3. MOBILE SUPPORT STRUCTURES IN THE PUBLIC RIGHT-OF-WAY**

- a. Pursuant to the County's authority under Wis. Stat. § 56.54(6). no mobile support structure or its structural components shall be erected or temporarily placed within any road or highway or its right-of-way.

**4. MOBILE SUPPORT STRUCTURES EXEMPT FROM REGULATION**

- a. The following mobile support structures and facilities shall be exempt from regulation under this section:
  - 1) Amateur Radio antennas constructed for use by licensed amateur radio operators up to 60 feet high.
  - 2) Reception-only antennas and dishes for television and radio.

## D. PERMIT PROCESS

### 1. PERMIT REQUIRED

- a. A land use permit is required for a new mobile support structure and facilities, a Class 1 Co-Location or a Class 2 Co-Location.

### 2. LAND USE PERMIT APPLICATION FOR A MOBILE SUPPORT STRUCTURE & FACILITIES, A CLASS 1 CO-LOCATION OR A CLASS 2 CO-LOCATION

- a. A properly completed application for a land use permit for a new mobile support structure and facilities or Class 1 Co-Location shall be made to the Zoning Administrator upon forms furnished by the County.
- b. The application must be signed by both the property owner and the applicant or his/her agent.
- c. The following information shall be provided for new mobile support structures and facilities and Class 1 Co-Locations:
  - 1) A site plan prepared and certified by a professional engineer which shows the location of the mobile support structure and facilities, lot or parcel boundaries, the associated equipment on the ground, fencing, landscaping, lighting, access driveway and public road.
  - 2) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location.
    - a) The explanation must include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting to one of the following:
      - i. That co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity.
      - ii. That co-location is technically infeasible.
      - iii. That co-location is economically burdensome to the mobile service provider.
  - 3) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment that will be placed on or around the new mobile service support structure.
  - 4) If the application is a Class 1 co-location, which would substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - 5) A permit fee, not to exceed \$3,000.
- d. The following information shall be provided for a Class 2 Co-Location.
  - 1) The location of the proposed mobile service facilities.
  - 2) A permit fee, not to exceed \$500.

**3. PERMIT DECISION & APPEAL PROCESS FOR NEW MOBILE SUPPORT STRUCTURES AND FACILITIES OR CLASS 1 CO-LOCATIONS**

- a. If an applicant submits to the Zoning Administrator an application for a permit for a new mobile support structure and facilities or Class 1 co-location, which contains all of the information required under this ordinance, it shall be considered complete.
- b. If the Zoning Administrator does not believe that the application is complete, the applicant will be notified in writing, within 10 days of receiving the application that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- c. Within 90 days of receipt of a complete application, the Zoning Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator may agree in writing to an extension of the 90-day period:
  - 1) Review the application to determine whether it complies with all applicable aspects of the building code and, subject to the limitations in this section, zoning ordinances.
  - 2) Make a final decision whether to approve or disapprove the application.
  - 3) Notify the applicant, in writing, of the final decision.
  - 4) If the application is approved, issue the applicant the land use permit.
  - 5) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

**4. PERMIT DECISION & APPEAL PROCESS FOR CLASS 2 CO-LOCATIONS**

- a. If an applicant submits to the department an application for a permit for a Class 2 co-location, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete.
- b. If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- c. Within 45 days of receipt of a complete application, the Zoning Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator may agree in writing to an extension of the 45 day period:
  - 1) Make a final decision whether to approve or disapprove the application.
  - 2) Notify the applicant, in writing, of the final decision.
  - 3) If the application is approved, issue the applicant the relevant permit.
  - 4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.



## **E. STANDARDS**

### **1. SETBACKS**

- a. The setback for mobile service support structures and facilities shall meet the provisions in 17.18 Commercial District.

### **2. AERONAUTICAL SAFETY**

- a. The County may disapprove an application involving creation of a new mobile support structure where both of the following are true:
  1. The height of the new structure exceeds 200 feet, measured from the ground level at its site; and
  2. The new structure would extend into air space [protected by 47 C.F.R. 17.7 (b)] that is above an imaginary surface extending outward and upward at any of the following slopes:
    - a) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of any airport with at least one runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
    - b) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of any airport with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
    - c) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of any heliport.

### **3. REMOVAL OF MOBILE SUPPORT STRUCTURE & FACILITIES**

- a. Any mobile support structure and facilities which is not used for the use for which the permit was granted for 12 consecutive months must be removed and the site restored within three months. The site shall be restored to its original condition and anchoring elements shall be removed from the ground to a depth of at least eight feet below grade. If removal and restoration are not completed the County is authorized to complete the removal and site restoration and charge the cost to the performance bond.

### **4. PERFORMANCE REQUIREMENTS**

- a. A performance bond in a form acceptable to the Zoning Administrator shall be submitted at the time of application to provide for the removal of the mobile support structure and facilities. The bond shall be a maximum of \$20,000.
- b. The structures on the ground shall be screened with six foot high coniferous trees to provide 80% opacity at maturity.
- c. The bottom of the mobile support structure and facilities from ground level to 12 feet above ground shall be designed to prevent unauthorized climbing and shall be enclosed with a minimum six-foot high chain link fence with a locked gate.
- d. Security lighting shall be downward directed and shielded to keep light within the boundaries of the site.
- e. Adequate parking shall be provided for maintenance and repair vehicles.
- f. A written acknowledgement from the landowner of a leased site that they will abide by the applicable conditions of the Land Use Permit, including the restoration and reclamation requirements in §17.50 [E.3.a.](#) of this section.

- g. Installation of the wireless mobile support structure and facilities shall comply with the manufacturer's specifications.
- h. New mobile support structure and facilities shall provide space for at least two co-locations.

**5. PROHIBITIONS**

- a. No wireless communication facility shall be artificially illuminated unless required by the FCC or FAA.
- b. A temporary mobile transmission facility site is not permitted except in the case of equipment failure, equipment testing, equipment replacement, or emergency and prior authorization is obtained from the Zoning Administrator. Use of a temporary site for testing purposes shall be limited to 24 hours, and the use of a temporary site for equipment failure, equipment replacement or emergency shall be limited to 30 days unless extended for good cause in writing by the Zoning Administrator.
- c. There shall only be one mobile support structure and facilities on a parcel of land.

**6. COMPLETION DEADLINE**

- a. Wireless mobile support structure and facilities construction authorized by a land use permit issued under this section shall commence within one year from the date of approval and be substantially completed or implemented within two years.
- b. Applicants can request extensions of one or both deadlines, for periods up to six months, from the Zoning Administrator.
- c. The total time granted for extensions shall not exceed one year.

**7. PERMIT REVOCATION**

- a. Where the terms or conditions on any land use permit for wireless mobile support structure and facilities are violated, the permit may be revoked by the Zoning Administrator.

**8. BIENNIAL REPORT**

- a. The mobile support structure and facilities owner shall submit each even-numbered year on or before January 31<sup>st</sup>, a transmission facility information report, on a county-provided form. The report shall detail the use, maintenance and condition of the wireless mobile support structure and facilities. The report shall be accompanied by a two-year renewal of the performance bond in a form acceptable to the Zoning Administrator in an amount sufficient to provide for removal of the wireless mobile support structure and facilities. The bond amount is a maximum of \$20,000.

**9. SAFETY INSPECTION**

- a. If the county has reason to believe that a wireless mobile support structure and facilities is a safety risk, it may require the permit holder to perform an inspection by a registered engineer and provide a copy of the report to the Zoning Administrator within 60 days of notice by the County that an inspection is required.