

Article J: Signal Receiving Antennas; Wind Energy Systems;
Wireless Telecommunications Systems

Sec. 13-1-180 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the Village of Bangor, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow

a determination to be made that the device can be safely roof-mounted, or, in the case of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (6), (8) and (11).
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village of Bangor shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed fifteen (15) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
 - (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

- (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.
 - (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board, a Village enforcement official or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-181 Wind Energy Systems.

No person shall construct or operate a wind energy conversion system (WECS) in the Village of Bangor without having fully complied with the provisions of PSC 128, Wis. Adm. Code.

Sec. 13-1-182 Mobile Tower Siting.

(a) **Title; Purpose; Authority.**

- (1) **Title.** This Section is entitled the Village of Bangor Mobile Tower Siting Ordinance.
- (2) **Purpose.** The purpose of this Section is to regulate by zoning permit:
 - a. The siting and construction of any new mobile service support structure and facilities;
 - b. With regard to a Class I collocation, the substantial modification of an existing support structure and mobile service facilities; and
 - c. With regard to a Class II collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- (3) **Authority.** The Village of Bangor Village Board has the specific authority under Secs. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this Section.

(b) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Antenna.** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) **Building Permit.** A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village's Building Code [Title 15, Chapter 1 of the Code of Ordinances].
- (3) **Class 1 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- (4) **Class 2 Collocation.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- (5) **Collocation.** Class 1 or Class 2 collocation or both.
- (6) **Distributed Antenna System.** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (7) **Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

- (8) **Existing Structure.** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.
- (9) **Fall Zone.** The area over which a mobile support structure is designed to collapse.
- (10) **Mobile Service.** Has the meaning given in 47 USC 153(33).
- (11) **Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a planned geographic area, but does not include the underlying support structure.
- (12) **Mobile Service Provider.** A person who provides mobile service.
- (13) **Mobile Service Support Structure (Tower).** A freestanding structure that is designed to support a mobile service facility.
- (14) **Permit.** A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:
 - a. A Class 1 collocation.
 - b. A Class 2 collocation.
 - c. The construction of a mobile service support structure.
- (15) **Public Utility.** Has the meaning given in Sec. 196.01(5), Wis. Stats.
- (16) **Search Ring.** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (17) **Substantial Modification.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - a. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - b. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten percent (10%) or more.
 - c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
 - d. Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.
- (18) **Support Structure.** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (19) **Utility Pole.** A structure owned or operated by an alternative telecommunications utility, as defined in Sec. 196.01(1d), Wis. Stats.; public utility, as defined in Sec. 196.01(5), Wis. Stats.; telecommunications utility, as defined in Sec. 196.01(10), Wis.

Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Sec. 182.017(1g)(cq), Wis. Stats.; for video service, as defined in Sec. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

(c) **Siting and Construction of Any New Mobile Service Support Structure and Facilities; Regulation Limitations.**

(1) ***Application Process.***

- a. A Village zoning permit is required for the siting and construction of any new mobile service structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Village obtainable with this permit through the conditional use permit process.
- b. A written permit application shall be completed by the applicant and submitted to the Village Administrator. The application shall contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address - shall be provided.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to 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. 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 to be placed on or around the new mobile service support structure.
 6. 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 collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.

- d. If an applicant submits to the Village an application for conditional use and zoning permits to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village determines that the application is incomplete, the Village shall notify the applicant in writing, within ten (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 considered complete.
 - e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations in this Section, provisions of this Zoning Code.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement under Subsection (c)(1)b6.
 - g. If the applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in the Zoning Code, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** With regard to the siting and construction of a new mobile service support structure/facilities, the substantial modification of an existing support structure and mobile service facility as part of a Class 1 collocation, or a Class 2 collocation, the Village, pursuant to Sec. 66.0404(4), Wis. Stats., shall not:
- a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
 - b. Enact a moratorium ordinance on the permitting, construction, or approval of any such activities.

- c. Enact an ordinance regulation prohibiting the placement of a mobile service support structure in particular locations within the Village.
- d. Charge a mobile radio service provider a fee in excess on the amounts prescribed in Sec. 66.0404(4)(d), Wis. Stats.
- e. Charge a mobile radio service provider any recurring fee for an activity described in Sec. 66.0404(2)(a), Wis. Stats., or a Class 2 collocation.
- f. Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- g. Disapprove of an application to conduct an activity described in Sec. 66.0404(2)(a), Wis. Stats., based solely on aesthetic concerns.
- h. Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.
- i. Enact or enforce a Village ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- j. Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the Village which fall into disuse. [Note: Per Sec. 66.0404(4)(i), Wis. Stats., there is a rebuttable presumption that a surety requirement of Twenty Thousand Dollars (\$20,000.00) or less complies with this Subsection.]
- k. Prohibit the placement of emergency power systems.
- l. Require that a mobile service support structure be placed on property owned by the political subdivision.
- m. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- n. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the Village at less than market rate, or provide the Village other services via the structure or facilities at less than the market rate.
- o. Limit the duration of any permit that is granted.
- p. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- q. Disapprove an application based on an assessment by the Village of the suitability of other locations for conducting the activity.
- r. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- s. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- t. Consider an activity a substantial modification under Subsection (b)(17)a-b above if a greater height is necessary to avoid interference with an existing antenna.

- u. Consider an activity a substantial modification under Subsection (b)(17)c above if a greater protrusion is necessary to shelter the antenna from increment weather or to connect the antenna to the existing structure by cable.
- v. Limit the height of a mobile support structure to under two hundred (200) feet.
- w. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Village in connection with the Village's exercise of its authority to approve the application.
- x. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Village to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the Village or an entity in which the Village or other political subdivision has a governance, competitive, economic, financial or other interest.

(d) **Class 1 Collocation.**

(1) **Application Process.**

- a. A zoning permit is required for a Class 1 collocation. A Class 1 collocation is a conditional use in the Village obtainable with this permit through the conditional use process of this Chapter.
- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 - 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - 4. If the application is to 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. 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 to be placed on or around the new mobile service support structure.
 - 6. 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 collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service

support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within ten (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.
 - e. Within ninety (90) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the ninety (90) day period:
 1. Review the application to determine whether it complies with all applicable aspects of the Village's Building Code and, subject to the limitations of this Section, zoning ordinances.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection (d)(1)b6.
 - g. If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that Zoning Code provision does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - h. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Three Thousand Dollars (\$3,000.00) per Sec. 66.0404(4)(d), Wis. Stats.].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (e) **Class 2 Collocation.**
- (1) **Application Process.**
 - a. A Village zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the Village but still requires the issuance of Village building permits.

- b. A written permit application shall be completed by the applicant and submitted to the Village. The application must contain, at a minimum, the following information:
 1. The name and business address of, and the contact individual for, the applicant; applicable telephone number(s), fax number, and email address shall be provided.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 - c. A permit application will be provided by the Village upon request to any applicant, or, in the alternative, the applicant can provide the required information in the form of correspondence or report with supporting documentation.
 - d. Per Title 15, Chapter 1 of this Code of Ordinances, a Class 2 collocation is also subject to the same requirements for the issuance of a building permit to which any other type of commercial development/construction or land use development is subject.
 - e. If an applicant submits to the Village an application for a permit to engage in an activity described in this Section, which contains all of the information required under this Section, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant in writing, within five (5) 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.
 - f. Within forty-five (45) days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its 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.
 - g. The fee for the permit shall be as provided in Section 1-3-1 [but may not exceed Five Hundred Dollars (\$500.00) or the commercial building permit fee equivalent, per Sec. 66.0404(4)(d)].
- (2) **Regulatory and Application Limitations.** The regulatory and application parameters and limitations prescribed in Subsection (c)(2) above shall be applicable.
- (f) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this Section shall, upon conviction, be subject to the penalties and/or forfeitures prescribed in Section 13-1-245, plus applicable surcharges,

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assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Section. In addition, the Village of Bangor may seek injunctive relief from a court of record to enjoin further violations.

Sec. 13-1-183 through Sec. 13-1-199 Reserved for Future Use.