

## SECTION 21 - TOWER ORDINANCE

### A. INTENT AND PURPOSE

The purpose of this tower facilities ordinance is to ensure such facilities are designed, sited, and constructed in a manner consistent with the protection of the public health, safety, and general welfare of persons in the area surrounding such tower facilities, and for both public and private property within the jurisdiction of Faribault County.

### B. APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office. Nor may any person, firm, or corporation alter, modify, transform, add to or change in any way an existing tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office.

### C. DEFINITIONS

1. ANTENNA - Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antenna such as whip-antenna.
2. CONDITIONAL USE – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use of development conforms to the comprehensive CLUP and (3) is compatible with the existing neighborhood.
3. FAA – Federal Aviation Administration
4. FCC – Federal Communication Commission
5. GUYED WIRE TOWER – A tower, constructed *with* guyed wires and ground anchors.
6. HEIGHT - The height of the tower is the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
7. SELF SUPPORTIVE/MONOPOLE TOWER - A single, self-supportive tower, constructed *without* guyed wires.
8. TEMPORARY TOWER – Any structure that is erected for less than twenty-four (24) months and is designed and constructed for the purpose of supporting one or more antennas or data collection equipment.

9. TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas or data collection equipment. This does not include wind energy generation facilities.
10. TOWER FACILITY – Any structures that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services and/or data collection devices.
11. WIRELESS TELECOMMUNICATION - Any ground or roof mounted structure built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.

#### D. EXEMPTIONS

1. The following will be generally allowed as exemptions within Faribault County without having to make application or meeting the general standards of this article:
  1. Antenna(s) incidental to residential use
  2. Routine maintenance of existing tower facilities or modification of lighting to meet the standards set forth by this ordinance
  3. The addition of antenna(s) to a tower facility that meet the standards of this article and do not increase the height of the tower facility
  4. Non-commercial amateur radio towers under one hundred fifty (150) feet
2. Existing Permitted Tower Facilities  
Any existing permitted tower facility, is considered to be in compliance with this ordinance, and can be re-constructed or repaired to its original condition without obtaining a new conditional use permit.
3. Existing Non-Permitted Tower Facilities  
Any existing non-permitted tower facility cannot be moved or altered without complying with the requirements of the current ordinance.

#### E. CONDITIONAL USE PERMITS

All towers not defined as exempt, shall require a Conditional Use Permit.

## F. GENERAL STANDARDS

All tower facilities located within Faribault County shall comply with the following standards:

1. SETBACKS –
  - a. The tower facility shall have a *minimum* distance to the parcel and/or recorded easement boundary, equal to the height of the tower plus ten (10) feet.
  - b. No tower facility shall be located within the following Shoreland Districts:
    1. A-1 - (Shoreland Ag District)
    2. R-2 - (Shoreland Residential District)
  - c. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, public waters (county ditches, small creeks), or sidewalk, without approval of proper county department.
2. FENCING - The tower facility shall be protected by a security fence from six (6) feet to eight (8) feet in height to prohibit access by unauthorized persons. Temporary towers are exempted from this provision.
3. SIGNAGE – The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
4. LIGHTING / PAINTING - Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology, and Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC.
  1. In order of preference, a tower facility shall have:
    - a. Self Supportive / Monopole Tower – According to FAA regulations.
    - b. Guyed Wire Tower – All guyed wire towers must be painted aviation orange and white, alternating at 20% increments of total tower height, starting with aviation orange at the top of the tower.
  2. Penalty – After written notification by the county, the conditional use applicant will be allowed ten (10) days to come into compliance with the FAA/FCC lighting and painting regulations. For each day that this is not met, the applicant will be charged \$100.00 per day.
5. CROPPING - No row crops are permitted in the perimeter formed by the outer most anchors of the guyed wires.

G. PERMIT APPLICATION REQUIREMENTS:

Application for a Conditional Use Permit shall be submitted pursuant to the requirements of this chapter and shall be accompanied by the following:

A. Site Plan for the proposed tower facility site, which shall include the following:

1. Graphic scale of the plan, not less than one inch (1") to twenty feet (20')
2. North directional arrow
3. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs and landscaped areas
4. Building setback lines
5. The location of watercourses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site
6. Location of special features located within the site
7. All tower facilities shall be adequately insured for injury and property damage caused by collapse of the tower. A Certificate of Insurance shall be filed with the Planning and Zoning Office prior to commencing operation of the facility
8. If proposed removal of natural vegetation consists of one (1) acre or more, an MPCA Storm Water Permit must be obtained and verification of application shall be on file with the Planning and Zoning Office

B. Vicinity map showing land uses and existing residences and businesses within one-half (1/2) mile of the proposed tower facility. (Please attach aerial photo)

C. If erection of the tower or construction of any tower facility will disturb any part of a bluff or a steep slope, the applicant shall provide an erosion control plan prepared by a landscape architect or professional engineer.

D. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.

E. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.

H. ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner/operator shall be responsible for maintaining a graffiti, debris and litter free site.

I. TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within one year of application.

J. UNUSED OR ABANDONED TOWER FACILITY

The owner of a tower facility shall file an annual notification in writing to the Planning and Zoning Office as to the current ownership of every tower facility constructed. Failure to do so shall be determined to mean that the tower facility is no longer in use and considered abandoned. A tower is also considered abandoned if owner fails to pay fees as required by the ordinance.

K. REMOVAL

A tower must be removed by the current landowner within one hundred eighty (180) days of abandonment, unless the FCZA provides a written exemption. Removal includes the complete tower facility including related infrastructures, footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so shall be just cause for Faribault County to seek legal avenues that will remove the tower facility and restore the site.

L. SEVERANCE CLAUSE

If any part of this section is rendered void, invalid, or unenforceable, such rendering shall not effect the validity and enforceability of the remainder of this section unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire section.

M. APPLICABLE FEES

All tower facilities constructed or erected within Faribault County will be subject to applicable fees. These fees are set forth by the County Commissioners. These fees will include, but are not limited to the following:

- a. Building Permit Application
- b. Conditional Use Application
- c. Maintenance Fee