

**ORDINANCE NO. 2012-02
DOUGLASTOWNSHIP
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING ORDINANCE NO. 3 - ZONING ORDINANCE
TO ESTABLISH TELECOMMUNICATION TOWER REGULATIONS**

THE BOARD OF SUPERVISORS OF DOUGLAS TOWNSHIP DOES ORDAIN:

Section 1: Purpose

- 1.1 The purpose of this Ordinance is to provide an appropriate location for telecommunication facilities in circumstances that the Town Board determines there is a need for such facilities.
- 1.2 Standards are included in this Ordinance to minimize the impact of telecommunication facilities on public health, safety and welfare, and protect adjacent properties from tower failure and interference.
- 1.3 This Ordinance is designed to minimize the number of telecommunication facilities to support continued agricultural activities, protect rural view sheds, and encourage efficient delivery of wireless communication services.

Section 2: Definitions

For the purpose of this ordinance, the following definitions shall apply and are in addition to the definitions found in Ordinance No. 3- Zoning Ordinance:

- 2.1 **Antenna Devices, Personal:** A device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other service, except a device used exclusively by those residing on the property where it is located, such as amateur radio antennas and receive-only television signal antennas.
- 2.2 **Telecommunication Facilities:** Licensed wireless services and associated structural components, including but not limited to towers, antenna devices and generators, used for commercial purposes including cellular, personal communication telecommunication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services.
- 2.3 **Telecommunication Tower:** A freestanding, self-supporting monopole or lattice structure constructed from grade intended to support telecommunication antennas, except towers used for amateur radio operations.

Section 3: Applicability

This Ordinance shall apply to all zoned districts according to the official Zoning Map of Douglas Township.

Section 4: Permitted and Conditional Uses

4.1 Telecommunication facilities are permitted uses provided the following:

- A. The facility is located upon an existing permitted structure that does not extend more

than ten percent (10%) of the height of the permitted structure.

B. The facility is co-located on an existing telecommunications tower.

4.2 The following telecommunication facilities shall require a conditional use permit:

A. The facility is located upon an existing permitted structure and extends more than ten percent (10%) of the height of the permitted structure.

B. Freestanding telecommunication facilities that exceed seventy feet (70') in height.

Section 5: Telecommunication Tower Conditional Use Permit Standards

5.1 The applicant must submit an analysis to the Township prepared by a radio or electrical engineer demonstrating that the proposed location of the telecommunication facility is necessary to meet the coverage and capacity needs of its system and that there is no existing telecommunication facility that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the township, at its option, to review this analysis.

5.2 Telecommunication facilities that exceed seventy feet (70') in height shall meet the following conditions:

A. New telecommunications antenna devices must be co-located on existing structures in the township, unless it can be supported by findings from a qualified engineer registered in Minnesota, stating that it is impractical to co-locate on an existing structure because of:

1. Technical performance,
2. System coverage or system capacity,
3. An existing structure cannot support co-location from a structural engineering standpoint, as documented by an independent study from a structural engineer,
4. The lease rate of an existing structure is not "rate reasonable." Rate reasonable shall mean that the co-location lease rate is not more than one-hundred and fifty (150) percent of the co-location lease rate for towers within ten (10) miles for which such lease rate information can be obtained.

B. New telecommunication towers shall be designed and constructed to permit the future co-location of other telecommunication facilities.

C. Telecommunications towers shall meet the following setbacks:

1. All towers shall be setback from structures, rights-of-way and property lines at a distance equal to the height of the towers and antenna.
2. The setbacks may be reduced to a distance agreed upon by the Township, if the applicant for the tower furnishes a registered engineer's certification that the tower is designed to collapse or fall within a distance or zone shorter than the total tower height.

D. Telecommunications tower and antenna shall meet the following design standards:

1. Towers shall be of a monopole design unless it is determined by the Township that an alternative design would be appropriate for the particular site or circumstances.
2. All towers and associated components shall be painted in a color best determined

by the Township to blend into the particular environment.

3. All equipment associated with the telecommunication tower shall be enclosed within a building designed to be compatible with surrounding structures or natural environment and landscaping materials may be required to screen structures or equipment.
 4. The maximum height of the towers, antenna and other attachments shall be less than two hundred feet (200').
- E. Telecommunications facilities must be in compliance with all building and electrical code requirements.
1. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code.
 2. Structural design, mounting and installation of the telecommunications facilities must comply with the manufacturer's specifications.
- F. Telecommunication facilities shall be designed to avoid any interference with commercial or private use and enjoyment of other telecommunications devices, such as radios, televisions, personal computers, telephones, personal communications devices and other similar devices. The applicant must furnish Minnesota registered engineer's certification that no such interference will occur, or identify what interference may occur and how the applicant will mitigate any potential inference that may occur.
- G. Telecommunication towers and antennas shall not be illuminated unless required by a state or federal agency.
- H. Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae or accessory structures or equipment.
- I. The site area for telecommunications towers and accessory facilities shall be totally fenced in to discourage access by unauthorized persons. The Township shall review and approve or modify all plans for fencing and security measures.
- 5.3 Obsolete or unused telecommunications towers and facilities must be removed within twelve (12) months after cessation of their use on the property.
- A. Telecommunication towers and facilities that are not removed within this time limit are declared to be public nuisances and may be removed by the Township.
 - B. The Township may assess its costs of removal against the property.

Section 6: Administrative Requirements

- 6.1 The applicant shall submit an application for a conditional use permit to the Town Clerk. The application shall be accompanied by:
- A. A site plan depicting the location of all telecommunication facilities, elevations and construction details for all towers, antennae and accessory structures to be located on a site.
 - B. All studies, analyses and certifications required by this ordinance.
 - C. A fee as established by the Town Board.

- 6.2 The applicant shall reimburse the Township for all out-of-pocket expenses incurred by the Township for the review and approval of the communication towers. These fees may include consultant fees for the Township planner, engineer, attorney, or other independent consultant, and recording fees.
- 6.3 The Township may require a cash escrow to guarantee the payment of expenses incurred by the Township to review and approve the communication tower.

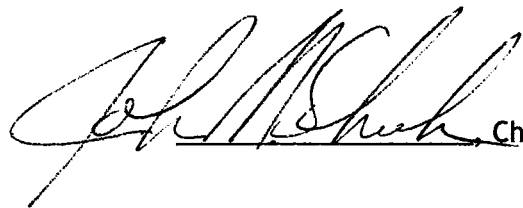
Section 7: Violations and Penalties

A violation of this ordinance is subject to the penalties and provisions of Ordinance No. 3 Section 616.


Section 8: Effective Date

This Ordinance will take effect and be in force after its passage and official publication.

Adopted this 5th day of Nov, 2018 by the Town Board of Supervisors of Douglas Township, Minnesota

 Chair

ATTEST:


Douglas, Township Clerk