

ARTICLE XIII

SCIOTA TOWNSHIP COMMUNICATIONS TOWER ORDINANCE

Section 13.1: Regulations and Title

The Communications Tower Ordinance of the Township of Sciota, Dakota County, Minnesota, relating to and regulating the location, size and heights of communication towers for the purpose of promoting the public health, safety, order, convenience and general welfare in Sciota Township.

Section 13.2: Purpose and Intent

The regulations and requirements of this Ordinance are intended to:

1. Provide for the appropriate location and development of communication towers to serve the residents and businesses in Sciota Township.
2. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and maximize use of any new or existing communication tower to reduce the number of towers needed.
3. Protect the aesthetics and rural nature of the Township.

Section 13.3: Definitions

All definitions are found in Article VIII Sciota Township Zoning Ordinance: **Definitions**.

Section 13.4: Zoning Districts

1. Wireless communication facilities shall be permitted only in the agricultural zone upon issuance of a Conditional Use Permit. Under no circumstances shall a tower be placed nearer another tower than one-quarter statute mile.
2. No permit shall be issued for the placement of any tower on any tract of land designated as long term agricultural land in accordance with Minnesota Statute Section 473H.

Section 13.5: Term of Permit

Any wireless communication facility permitted as a conditional use shall be reviewed annually via a Certificate of Compliance approval process. The permit holder shall verify in writing to the satisfaction of the Town Board that:

1. The facility has complied with all conditions imposed in the Conditional Use Permit;
2. The facility has been properly maintained;

3. The facility has been in continuous use during the preceding six (6) months; and
4. If any Condition imposed by the permit has not been complied with, the non-compliance has been brought into compliance within one hundred twenty (120) days of notice of non-compliance by the Township to the permit holder.

Any non-renewal of the Conditional Use Permit shall cause the permit to be null and void and the facility shall be removed from the premises within one hundred twenty (120) days of the non-renewal.

Section 13.6: Performance Standards

1. Co-location: No tower shall be permitted within one-quarter mile of an existing tower. A proposal for a new personal wireless service tower shall not be approved within one mile of another tower unless it can be documented by the applicant that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within a one-mile radius of the proposed tower site due to one or more of the following reasons:
 - A. The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building/
 - B. The planned equipment would cause interference with other existing or planned equipment at the tower or building.
 - C. Existing or approved towers and commercial buildings within a one-mile radius cannot accommodate the planned equipment at a height necessary to reasonably function.
2. Any new tower shall be constructed in a configuration to accommodate another antenna at a height at least 175 feet above ground level. In addition, all new towers, where possible, shall be constructed in a manner as to accommodate not less than three antennae. Since the number of opportunities to construct a freestanding tower is limited by this Ordinance, the applicant shall demonstrate to the satisfaction of the Town Board that opportunities will be made available for co-locating other antennae on the structure.

The tower owner shall, in good faith, lease space to other users. The Sciota Township Planning Commission shall act as arbitrator, and its decision shall be final as to the cost of renting space on the tower if a dispute arises. Failure to abide by the Planning Commission's decision shall result in the termination of the permit for the tower and the facility shall be removed within sixty (60) days.

Section 13.7: Areawide Analysis Proof of Need.

The applicant shall demonstrate, by providing a coverage/interference analysis and capacity analyses, that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless telecommunication facilities, and to

provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.

Section 13.8: Proof of Non-Interference

Each applicant for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, ect., service enjoyed by adjacent residential and nonresidential properties. In the event only a preliminary statement is submitted with the application, a final certified statement of non-interference will be provided at the applicant's expense, and approved by the Township prior to issuance of a building permit. The statement shall be prepared by an engineer licensed to practice in the State of Minnesota.

Section 13.9: Setbacks

Setbacks are regulated by the base zoning district. Setbacks shall be from the property lines.

In addition:

1. No tower over thirty-five (35) feet in height shall be located within five hundred (500) feet of any residential structure on an adjoining parcel. This provision does not apply to private transmitting/receiving antennas as defined in section 3, paragraph C.
2. No tower shall be located closer to a property line than a distance equal to the height of the tower. Each tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The applicant for any tower shall submit written documentation explaining tower construction and possible failure and provide engineering evidence that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement for the zone in which it is located.

Section 13.10: Lighting

Sciota Township will require all applicants to follow FCC and FAA Regulations with concern to lighting. Additional lighting may be allowed upon specific approval by the Township for good cause shown by the applicant.

Section 13.11: Structural, Design, Height, Screening, Access, and Building Requirements

Sciota Township provides that commercial wireless telecommunication service towers must be a monopole design unless an alternative design, as approved by the Town Board, would blend better with the surrounding environment. The Board may also allow alternative design to accommodate co-location.

All structures built with new towers in the Township must conform to UBC (Uniform Building Code) guidelines.

1. Maximum height is limited to one hundred seventy-five (175) feet above the ground upon which the antenna is placed. The Township may allow towers up to two hundred (200) feet high if the applicant can demonstrate that based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, off-site views of the tower will be minimized.
2. The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams, or other means. The design shall utilize an open framework or monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
3. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base without specific approval of the Town Board.
4. Tower locations shall provide the maximum amount of screening possible for off-site views of the facility.
5. Existing on-site vegetation shall be preserved to the maximum extent practicable.
6. The installation shall be designed to be compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped. Accessory structures will be designed to be architecturally compatible with principal structures on the site.
7. The tower shall be painted light blue or another color that is demonstrated to minimize visibility. No advertising or identification visible off-site shall be placed on the tower or antennas.
8. Antennas placed upon the tower shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply, or continued operations may be restricted by the Town Board. The cost of verification of compliance shall be borne by the owner and operator of the tower. If the owner/operator of the tower does not verify compliance with such regulations, the owner of the land shall be responsible for providing such verification.
9. Towers shall be provided with security fencing to prevent unauthorized entry.

Section 13.12: Obsolete or Unused Towers

All obsolete and unused towers and accompanying accessory facilities shall be removed by the property owner within twelve (12) months of cessation of use.

Section 13.13: Effect of Ordinance on Existing Towers and Antennas

Antennas and towers in residential districts and in existence as of January 1, 2006, which do not conform to or comply with this Section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respects with this Section.
- B. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions and location would be ten percent (10%) or more of the cost of a new tower of like kind and quality; then the tower may not be repaired or restored except in full compliance with this section.
- C. No building permit shall be issued for the construction of any wireless communication tower until and unless the Town Board shall have approved of a plan for the removal thereof in the event of it's obsolescence or cessation of it's use. In the event such tower is to be placed on leased property, the terms of such lease shall address the subject of obsolete or unused towers to the satisfaction of the Town Board.

Section 13.14: Conflicts

In the event any provision of this or any other ordinance, regulation or statute shall be in conflict in it's terms, the more restrictive shall apply.

Section 13.15: Title

Each applicant shall provide evidence of it's right to occupy property for tower purposes either by lease or title to the subject land including, but not limited to, a legal description thereof.

Section 13.16: Prohibited Districts

No tower shall be permitted in the area designated as Floodplain Overlay District (FP) in the Township Zoning Ordinance. Additionally, any tower proposed to be sited within the Shoreland Overlay District (SL) must also comply with the regulations of and have the approval of the Dakota County Shoreland and Floodplain Management office.

Section 13.17: Validity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the Validity of the remaining portions of this ordinance. The effective date of this ordinance shall be the date of publication.

Section 13.18: Effective Date

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

Adopted this ___ day of _____, ____ by the Town Board of Sciota Township, Minnesota

ATTEST:

Todd Hanson _____, Chairman

John MacQueen _____, Township Clerk