

## **CHAPTER 168 – COMMUNICATION TOWERS**

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### **168.01 PURPOSE AND SCOPE.**

The purpose of this chapter is to provide for the location, placement and regulation of cellular antennas; to regulate the location, construction and maintenance of communications towers; to provide for the licensing and regulation of contractors engaged in the construction of communications towers in the City; and to require permits for cellular antennas and communications towers in the City. The provisions of this chapter shall apply to all cellular antennas and communications towers in the City.

### **168.02 DEFINITIONS.**

For use in this chapter, the following words are defined:

1. "Cellular antenna" means an antenna mounted more than fifty feet (50) above ground level, in a fixed location, for the purpose of facilitating and enabling wireless cellular telephone communication.
2. "Communications towers" means an independent structure of a height more than fifty feet (50) above ground level used for transmitting or receiving wireless communications.
3. "Contractor" means any person or entity who engages in the placement or construction of any communications tower in the City.
4. "Engineer" means a registered professional engineer certified under the laws of the State.

### **168.03 CONTRACTOR'S LICENSE.**

No person shall engage in the construction, erection or placement of a communications tower or cellular antenna in the City unless licensed pursuant to this section. A contractor's license will be issued by the City Clerk upon submission of a written application on forms obtained from the City Clerk and upon fulfilling the fee, bonding and insurance requirements specified herein. The licensing period shall be from February 1 to January 31.

1. Fee. The license fee for a contractor's license for the licensing period, or any part thereof, shall be fifty dollars (\$50.00).
2. Surety Bond. A surety bond in the amount of ten thousand dollars (\$10,000.00) shall be filed in favor of the City. Such bond must run throughout the licensing period and shall be conditioned upon the faithful compliance of all ordinances, rules or regulations of the City applicable to communications towers.
3. Insurance; Assumption of Liability. Any person licensed as a contractor must file proof of liability

insurance in the amount of at least five hundred thousand dollars (\$500,000.00) per person, one million dollars (\$1,000,000.00) per occurrence, and five hundred thousand dollars (\$500,000.00) for property damage with the City Clerk and must agree, in writing on forms provided by the City Clerk, to hold the City harmless from any and all damages claimed by reason of negligence, incompetence or omission on the part of the contractor in the performance of its work.

#### **168.04 LOCATION OF CELLULAR ANTENNAS.**

1. The preferred location for cellular antennas in the City is for cellular antenna to be mounted on the City water tower. The City Council shall approve all requests for the placement and attachment of a cellular antenna on the City water tower, shall determine whether such location is possible, shall determine when and how the attachment shall be made, and shall approve all terms and provisions of an attachment agreement between the cellular antenna owner and the City, including the fees or charges to be paid by the owner to the City.
2. Only in the event that the placement of a cellular antenna on the City water tower is disapproved by the City Council may a cellular antenna be placed on a communications tower in the City.

#### **168.05 PERMIT.**

No communications tower shall be placed in the City without a permit issued by the City.

1. Application. Application for a communications tower permit shall be made to the City Clerk on forms provided by the City for that purpose.
2. Special Exception. No communications tower permit shall be issued until the proposed location of the tower has been approved by the grant of a special exception by the City Board of Adjustment pursuant to the applicable provisions of this Code.
3. Permit. A permit for the construction and maintenance of a communications tower shall be issued to the owner of the tower as specified in the application only upon compliance with all applicable ordinances of the City. The permit shall be of indefinite duration and shall remain in effect so long as the tower remains in compliance with all applicable City ordinances. A communications tower permit may be revoked by the City Council upon notice to the owner and following opportunity for a hearing before the City Council, for a violation of any applicable City ordinance, State statute or regulation, or Federal statute or regulation.
4. Issuance. The issuance of a permit under this section shall not relieve any permittee from compliance with all legal requirements, nor relieve the permittee of any liability for damage or loss resulting from the placement, construction or maintenance of the tower. The City assumes no liability whatsoever by virtue of the issuance of a communications tower permit. The permit shall be maintained at the tower site.
5. Permit Fee. The fee for each permit issued under the provisions of this section shall be five hundred dollars (\$500.00).

## **168.06 COMMUNICATIONS TOWER REGULATIONS.**

All communications towers located in the City shall be subject to the following regulations:

1. **Engineer's Certification.** Applications for a communications tower permit shall include detailed plans and specifications certified by an engineer. Upon completion of construction, the engineer shall further certify that the tower has been constructed in conformity with the plans and specifications.
2. **Minimum Setback.** The minimum distance from the base of the tower to the closest property line of the tower site shall not be less than sixty percent (60%) of the tower height.
3. **Enclosure.** The tower base shall be completely enclosed by a fence or wall eight feet (8') in height designed, constructed and maintained to prevent unauthorized access to the tower. There shall also be established and maintained vegetative screening of evergreen trees of at least six feet (6') in height surrounding the tower enclosure located fifteen feet (15') from the wall or fence, except that an open vehicular access may be provided.
4. **EMF Emissions.** All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
5. **Maximum Height.** No tower shall exceed a height of two hundred feet (200').
6. **Towers shall be "mono-pole" type only,** designed and constructed to accommodate not less than five (5) communications antennas.
7. **Maintenance.** All towers shall be maintained such that the appearance remains, in all respects, as when originally installed.
8. **Signs Prohibited.** No advertising or signage of any type is permitted on a communications tower.

## **168.07 JOINT USE.**

In order to avoid unnecessary duplication of communications towers in the City, businesses engaged in wireless communication requiring the use of communications towers are required to consider joint or multiple use of all existing and proposed towers. An application for a communications tower permit shall include a verification that the applicant has considered use of existing towers and shall include a detailed explanation establishing that the use of an existing tower is economically or technically not feasible. Each owner of a tower placed and constructed pursuant to a permit issued under this chapter shall, to the extent technically feasible, lease tower capacity to other wireless communication providers at commercially reasonable rates and terms.

## **168.08 ABANDONED OR OBSOLETE TOWERS.**

Towers, which become abandoned or obsolete, shall be removed within twelve (12) months of the discontinuance of use for wireless communications.