

Town Ordinances

Town of Farmington, Wisconsin - Jefferson County



Chapter 6

Housing & Development

- A Uniform Dwelling Code
- B Regulating Homes
- C Regulating Telecommunications Antennas and Towers
- D Amendment to Telecommunication Towers Ordinance

CHAPTER 6

A. ORDINANCE FOR ADOPTION OF WISCONSIN UNIFORM DWELLING CODE

The Town Board of the Town of Farmington, Jefferson County, Wisconsin, does hereby ordain as follows:

Adoption of Wisconsin Uniform Dwelling Code

- 1.1 These regulations are adopted under the authority granted by §101.65, Wisconsin Statutes.
- 1.2 PURPOSE. The purpose of this ordinance is to promote the general health, safety and welfare.
- 1.3 SCOPE. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since February 1, 1995.
- 1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, chs. ILHR 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance
- 1.5 BUILDING INSPECTOR. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by DILHR, as specified by Wis. Stats., Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. The Building Inspector shall have the full power to enforce the terms of this ordinance.
- 1.6 BUILDING PERMIT REQUIRED. Any new one- and two-family homes shall require permits. Restoration or repair of an installation to its previous code-compliant condition is exempted from permit requirements. Residing, reroofing, finishing of windows, door replacement, finishing of interior surfaces, and installation of cabinetry shall be exempted from permit requirements. All agricultural buildings are exempt from the building permits.
- 1.7 BUILDING PERMIT FEE. The building permit fee shall be set by the building inspector and approved by the Town Board.
- 1.8 VARIANCE. Any person whose home does not meet the requirements set forth herein may seek a variance from the Town Board.
- 1.9 PENALTIES. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the

withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be as determined by the building inspector and approved by the Town Board.

2.1 EFFECTIVE DATE. This ordinance shall be effective _____, upon passage and publication as provided by law.

Adopted this 11th day of April, 1996.

TOWN OF FARMINGTON TOWN BOARD

CHAPTER 6

B. ORDINANCE REGULATING HOMES

The Town Board of the Town of Farmington, Jefferson County, Wisconsin, does hereby ordain as follows:

1. DEFINITIONS.
 - (a) A "home" is any trailer, camper, mobile home, house, modular home, or manufactured home.
 - (b) The word "person" shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or other agent, heir, or assign.
2. All homes, built, constructed or placed on any lot or property in the town shall be at least twenty-four (24) feet wide.
3. All homes shall have a minimum square footage of 1160 square feet.
4. All homes shall at a minimum have a 4:12 pitch roof.
5. All homes shall have full frost footings, not just columns or pilings below the frost line, or a full basement.
6. A temporary permit for a mobile home may be issued at the Town Board's discretion and the length of this temporary permit shall be determined by the Town Board.
7. The Town Board adopts all of the requirements of the Uniform Dwelling Code and said requirements of the Uniform Dwelling Code are incorporated herein by reference.
8. This ordinance supersedes all prior ordinances regulating all types of homes. The terms of this ordinance shall control as to any issues regarding homes.
9. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
10. If any person violates this ordinance, the Town shall be entitled to an immediate injunction, and the home shall either be made to be in compliance with this ordinance or removed from the Town of Farmington. The Town shall be entitled to actual attorneys fees and all other costs incurred in enforcing this ordinance.
11. In addition to the penalties stated above, a person may be fined an indefinite amount of money not to exceed \$100.00 per day for each day the person is not in compliance with this ordinance.
12. This ordinance shall take effect and be in full force from and after the date of its passage and publication according to law.

(c)

ORDINANCE

REGULATING TELECOMMUNICATIONS ANTENNAS AND TOWERS

The Town Board of the Town of Farmington,
Jefferson County, Wisconsin, does hereby ordain as follows:

section 1: TELECOMMUNICATIONS ANTENNAS AND TOWERS

A. **DEFINITIONS.** As used in this article, the following terms shall have the meanings indicated:

1. "Alternative tower structure" shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures.
2. "Antenna" shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. "EM" shall mean the Federal Aviation Administration.
4. "FCC" shall mean the Federal Communications Commission.
5. "Governing authority" shall mean the governing authority of the Town of Farmington.
6. "Pre-existing towers and antennas" shall have the meaning set forth in Section **B. (4.)** of this article.
7. "Height" shall mean, when referring to a tower or other structure, the distance measured **from** ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

B. **APPLICABILITY**

1. District Height Limitations. The requirements set forth in this article shall govern the location and height of towers in the Town of Farmington.
 - a. In agricultural areas towers shall be limited to a height of not more than seventy (70) feet, including the existing structure (for example: if the tower is placed on a silo).
 - b. In non-agricultural areas towers shall not exceed three hundred (300) feet in height.
2. Public Property. Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
3. Amateur Radio; Receive-only Antennas. This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna.
4. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Sections c.s. and C.6. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas."

C. **GENERAL GUIDELINES AND REQUIREMENTS**

1. Purpose: Goals: The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (i) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, (ii) strongly encourage the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in

areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in **a way** that **minimizes** the adverse visual impact of the towers and antennas, (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently, and (vi) require that towers and antennas be located only on existing structures.

2. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

J. Inventory of Existing sites. Each applicant for an antenna and or tower shall provide to the Town an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Town may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics and Lighting. The guidelines set forth in this section c. 4. shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.

a. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA,

be painted a neutral color so as to reduce visual obtrusiveness.

- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 ft. above the ground on a placard no larger than 1-1/2 sq. ft.
5. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
6. Building codes, Safety standards. To ensure the structural integrity of towers, the owner of a tower

shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance **within said** thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

D. **PERMITTED USES**

1. General. The uses listed in this Section D. are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with section c. of this article and all other applicable articles.
2. specific Permitted uses. The following uses are specifically permitted:
 - a. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
 - b. Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection **with** said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

E. **CONDITIONAL USE PERMITS**

1. General. The following provisions shall govern conditional Use permits:
 - a. If the tower or antenna is not a permitted use under section D of this article, then a Conditional

Use permit shall be required prior to construction of any tower, or the placement of any antenna.

- b. Towers and antennas may only be located on existing structures.
- c. If a conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

2. Information Required. Each applicant requesting a Conditional Use permit under this article shall submit a scaled site plan and a scaled elevation **view** and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

J. factors considered in Granting conditional use Permits. The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria **if the** governing authority concludes that the goals of this article are better served thereby.

- a. Height of the proposed tower.
- b. capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
- c. Proximity of the tower to residential structures and residential district boundaries;
- d. Nature of uses on adjacent and nearby properties;
- e. surrounding topography;

- f. Surrounding tree coverage and foliage;
 - g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - h. Proposed ingress and egress;
 - i. Availability of suitable existing towers and other structures as discussed in section E.4. of this article.
4. Availability of suitable Existing Towers or other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed **antenna and** related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference **with** the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however, that the governing authority may, reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.
- a. Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.
 - b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- 6 • Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional Use permit is required; provided, however, that the governing authority **may waive** such requirements if the goals of this article would be better served thereby.
- a. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the **view** of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four **(4) feet wide** outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases *I* such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

F. **REMOVAL 01' ABANDONED ANTENNAS AND TOWERS.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a

single tower, then this provision shall not become effective until all users cease using the tower.

Section 2: The several sections of this ordinance are declared to be severable. *It* any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

Section 3: This ordinance shall take effect and be in full force from and after the date of its passage and publication according to **law**.

Adopted by the Board of supervisors of the Town of Farmington.

P)

TOWN BOARD OF THE TOWN OF FARMINGTON does hereby ordain as follows, amending the Town's Telecommunications Towers Ordinance:

1. All telecommunications towers shall be located far enough from a property line, such that if the tower fell the entire tower would be on the property on which the tower was originally situated.
2. Except as modified herein, all other provisions of the Town's Telecommunications Towers Ordinance shall remain in full force and effect.
3. This amendment to the Town's Telecommunications Towers Ordinance shall take effect and be in full force from and after the date of its passage and publication according to law.

TOWN OF FARMINGTON