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Wisconsin law and regulation.

A-D(4) Unchanged

D. Minimizing the Number of Sites

Insofar as possible, the numbers and locations of communications structures shall be minimized through co-location by mounting more than one antenna on one structure, or, when that is not possible, by co-siting such structures. The cost of eliminating impediments to co-location shall be deemed reasonable if it does not exceed by 75 percent the cost of constructing a new structure on which to mount applicant's equipment.

5. No CUP application for the placement or construction of a new communication structure at a new site shall be approved unless the applicant presents to the County credible evidence of the following:
 - a. No existing communication structure is located within the area in which the applicant's equipment must, for technical reasons, be located. The technical reasons that pertain shall be fully explained and justified in the CUP application.
 - b. No existing communication structure within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost. This situation shall be fully explained in the CUP application.
 - c. No existing communication structure within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost. The circumstances shall be fully explained in the CUP application.
 - d. The applicant's equipment would cause uncorrectable electromagnetic interference with equipment on the existing permitted communication structures and equipment within the area in which the applicant's equipment must be located, or the equipment on the existing communication structure(s) would cause uncorrectable interference with the applicant's equipment and the interference from whatever source, cannot be eliminated at a reasonable cost, or the applicant's equipment would cause uncorrectable interference with other legally permitted and properly operating electronic equipment in the vicinity.
 - ~~e. The fees, costs or contractual provisions required by the owner of the existing communication structure or site in order to co-locate on an existing communication structure or locate a new structure adjacent to the existing structure are unreasonable relative to industry norms.~~
 - e.f. The applicant demonstrates that there are other factors that render existing communication structures unsuitable or unavailable and establishes that the public interest is best served by the placement or construction of a new communication structure. A municipally owned communication tower, whose primary purpose is to provide essential police, fire, and other emergency communications and services for the protection and safety of the public, is clearly one factor.

101 6. County and local government agencies shall have the right to reserve space
102 upon any new tower or upon any tower being substantially modified. Reservation
103 of the space upon the structure shall be acquired during the permit approval
104 process through good faith negotiations with the applicant.

105
106 E-L Unchanged

107
108 ~~M. Charges for Co-Location~~

109
110 ~~The holder of a CUP under this section shall make the structures and sites available~~
111 ~~for the placement of technologically compatible communication structures, antenna~~
112 ~~arrays, and associated equipment under contractual provisions which are standard in~~
113 ~~the industry and at prevailing market rates allowing the permit holder to recoup the~~
114 ~~cost of providing the co-location sites and a fair return on investment.~~

115
116 ~~NM. Conditions and Standards for Co-Location~~

117
118 The County shall apply the procedures under sections 9.41, 9.42 and 9.72(B)(4) and
119 this section of this ordinance, when considering an application for a CUP to allow the
120 modification of an existing communication structure. In addition, the County shall
121 consider the reasonableness, based on economic and technological feasibility, of
122 conditioning the grant of the CUP upon modifying the structure in a manner which
123 would accommodate the co-location of one or more additional antenna arrays.

124
125 ~~ON. Compliance with Conditions of CUP~~

126
127 Upon written inquiry by the County the recipient of a CUP under this section shall
128 have the burden of presenting credible evidence establishing to a reasonable
129 certainty the continued compliance with all conditions placed upon the CUP. Failure
130 to establish compliance with all conditions placed upon the conditional use permit
131 shall be grounds for revocation of the permit. In the event the County determines that
132 it is necessary to consult with a qualified neutral third party to ascertain compliance
133 with conditions on a CUP, all reasonable costs and expenses associated with such
134 consultation shall be borne by the holder of the permit. Failure to pay such costs and
135 expenses or provide information requested by the County shall be grounds for
136 revocation of the permit. Upon request, the holder of the permit shall provide to the
137 County the name of at least one consultant which the permit holder believes is
138 qualified to assist in resolving the issues before the County. In any event, where a
139 dispute arises under this ordinance involving an applicant for a CUP and the holder
140 of a CUP hereunder, the County may allocate consulting costs and expenses
141 between the applicant and permit holder in a competitively neutral manner.

142
143 ~~PQ. Termination of Operation under a CUP~~

144
145 Within 30 days after the date on which any operation conducted under an approved
146 CUP permanently ceases, the permit holder shall provide the County with written
147 notice of the cessation of such use. However, the holder of a CUP shall continue to
148 be responsible for maintenance and security of the structure after permanent
149 cessation of operation and until the structure is properly removed. Prior to final
150 approval of the CUP by the County, the applicant shall provide a financial surety for
151 the purpose of removal of the communication structure, in the event the permit

152 holder does not completely remove said structure within the time specified in this
153 section. The surety must remain in place for the life of the communication structure
154 for the proposed location.
155

156 QP.Equipment Enclosures and Buildings

157
158 The holder of a CUP for a communication structure and any user co-locating under
159 this ordinance shall be permitted to construct an equipment enclosure or building not
160 exceeding 14 feet in height and 320 square feet in floor area for use directly
161 incidental and necessary to the use of the communication structure. Two or more
162 users of the structure may build a single building with a floor area not exceeding 320
163 square feet per user sharing the building. Buildings constructed or used by
164 co-locators shall be subject to conditions established for the CUP for the structure.
165 Larger buildings may be authorized in a CUP if adequately justified by an applicant.
166 Plumbing shall not be allowed in such enclosures or buildings unless fully justified in
167 the CUP application. Issuance of a CUP does not obviate any applicable
168 requirement for a location and occupancy permit or other permit required by this or
169 any other County ordinance or Federal or State regulation.
170

171 RQ.Identification and Removal of RF Equipment and Structures

172
173 Permits issued hereunder shall identify the primary type or types of RF equipment
174 which are to be placed on the communication structure. Any such structure on which
175 RF equipment authorized under any CUP is no longer placed or used for a
176 continuous period of 12 months shall, upon notification by the County, be removed
177 by the holder of the CUP(s) issued under this section. Upon permanent termination
178 of the use of the communication structure all equipment and associated structure(s)
179 shall be removed from the site. The County may grant an extension of the deadline
180 for removal for good cause. If the communications structure is not removed by the
181 removal deadline, the County may remove the structure at the expense of the holder
182 of the CUP.
183

184 SR.Future Plans

185
186 The County may require that an applicant for a CUP under this section provide
187 information regarding the applicant's current plans for future placement or
188 construction of communication structures elsewhere in Oneida County in addition to
189 the structure which is the subject of the application.
190

191 TS.Notice to Nearby Property Owners

192
193 An applicant for a CUP to construct a new communication structure, or to modify an
194 existing structure by changing its height or significantly changing its lighting and
195 appearance, shall notify nearby property owners of record, the town clerk, County
196 supervisor and the town chairman for the district in which the structure is to be
197 located, within five working days of submission of the CUP application to the County.
198 The notice shall include as a minimum the location and a clear description of the
199 size, lighting, and appearance of the proposed new structure, or intended changes to
200 such features of an existing structure, and a telephone number and/or address
201 where additional information on the application can be obtained. The notice shall be
202 sent by U.S. first class mail to the last-known address of the owners of all parcels

203 located in whole or in part within a radius equal to eight times the height of the
204 structure above grade, the radius to be measured horizontally from the base of the
205 structure but not to exceed a radius of 1/2 mile. The CUP applicant shall provide to
206 the County within five working days of submission of the application a complete
207 listing of the names and addresses of all property owners who have been notified of
208 the application as required under this section.
209

210 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this
211 ordinance shall be and are hereby are repealed as far as any conflict exists.

212 Section 2: The ordinance shall take effect the day after passage and publication as required
213 by law.

214 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
215 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance
216 shall not be affected thereby.

217 Section 4: Resolution #2-2013 is hereby adopted amending Section 9.54 of the Oneida
218 County Zoning and Shoreland Protection Ordinance as attached.
219

220 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #2-2013
221 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by
222 mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources
223 and Ordinance Amendment #2-2013 of the Oneida County Zoning and Shoreland Protection
224 Ordinance shall become effective immediately upon passage and publication as provided by
225 law.
226

227 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____
228

229 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed
230 by the Corporation Counsel, _____, Date:
231 _____
232

233 Approved by the Planning and Development Committee this 20th day of March, 2013.
234
235

236 Consent Agenda Item: _____ YES _____ NO
237
238

239 Offered and passage moved by: _____
240 Supervisor
241 _____
242 Supervisor
243 _____
244 Supervisor
245 _____
246 Supervisor
247 _____
248 Supervisor
249

250 _____ Ayes
251

252 _____ Nays
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_____ Absent

_____ Abstain

_____ Adopted

by the County Board of Supervisors this 16th day April, 2013.

_____ Defeated

Mary Bartelt, County Clerk

Ted Cushing, County Board Chair