

Article J: Signal Receiving Antennas; Wind Energy Systems;
Wireless Telecommunications Systems

Sec. 13-1-180 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a “signal receiving antenna” is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) “Owner” means the holder of record of an estate in possession in fee simple, or for life, inland or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the City of Osseo, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.

- (2) Application for a signal receiving antenna permit when required under Subsection(c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.
- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection(e)(1), (6), (8) and (11).
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the City of Osseo shall comply with the following provisions:
- (1) **Setbacks.**
- a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line. The purpose of setback regulations is to protect the aesthetics of the area to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
- (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed fifteen (15) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
- (4) **Height.**

- a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such temporary placement shall be in accordance with all provisions of this Section.
 - (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common Council, a City enforcement official or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-7.

Sec. 13-1-181 Wind Energy Systems.

- (a) **Construction of Wind Energy Systems.** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (b) **Permits Required.**
- (1) A zoning permit shall be obtained to allow construction of a WECS.
 - (2) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS, upon payment of the fee per Section 1-3-1.
- (c) **Application Requirements.** An application for a permit to build a wind energy system shall include the following:
- (1) The property lines of the proposed site of construction.
 - (2) Proposed location of the WECS.
 - (3) Location and description of all structures located on the property where the WECS site is proposed.
 - (4) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (5) Location of all underground utility lines on the property where a WECS site is proposed.
 - (6) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (7) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (d) **Blade Clearance.** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of

the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

- (e) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (f) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code include, but not limited to, COMM Sections 50.12, 53.10, 62.37, 62.38, 65.39, 62.40, 62.41, Wis. Adm. Code, and any future amendments, additions, and/or revisions to same.
- (g) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (h) **Setback Requirements.**
 - (1) No WECS shall be constructed in any setback, dedicated easement, nor dedicated roadway.
 - (2) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (i) **Noise.** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the City of Osseo Code of Ordinances.
- (j) **Interference with Navigational Systems.** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (k) **Electrical Distribution Lines.** All WECS electrical distribution lines shall be located underground.
- (l) **Required Safety Features.**
 - (1) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (2) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.

- (3) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (4) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Osseo Code of Ordinances.
- (m) **Maintenance.** The Zoning Administrator or his/her representative shall have the right, at any reasonable time, to enter, in the company of the owner or his/her agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the structural stability of the system.
- (n) **Inspections.** A yearly inspection at a fee to be determined from time to time by resolution of the City of Osseo shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

Sec. 13-1-182 Wireless Telecommunications Facilities.

- (a) **Compliance; Purpose and Intent.** Wireless telecommunications towers, antennas and facilities may be installed, erected and maintained only pursuant to the provisions of this Section. The purpose and intent of this Section is:
- (1) To ensure the provision of personal wireless service within the corporate boundaries of, and for the benefit of, the residents of the City of Osseo;
 - (2) To protect the public health, safety, and general welfare of the community, public and private property and community aesthetics;
 - (3) To minimize the visual impact of towers, antennas and associated buildings through design and siting standards;
 - (4) To maximize the use of existing and approved towers and buildings to accommodate multiple antennas in order to reduce the number of towers needed to serve the community; and
 - (5) To avoid damage to adjacent properties from tower failure through structural standards and setback requirements.
- (b) **Definitions.** For the purpose of this Chapter and any permit issued in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided for in this Chapter or unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of the City of Osseo:
- (1) **Antenna.** Any structure or device for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such

as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

- (2) **City Engineer.** The City Engineer of the City of Osseo.
- (3) **Entity.** Any individual, corporation, partnership, association or other legal entity which seeks to provide a Wireless Telecommunications System.
- (4) **FCC.** The Federal Communication Commission or its legally appointed successor.
- (5) **Permittee.** Any entity or its legal successor in interest who is issued a Wireless Telecommunications Permit and/or a Structure Location Permit in accordance with the provisions of this Chapter for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repair, rebuilding, or replacing of a Wireless Telecommunications System in the City.
- (6) **Street.** Any area established for vehicular or public access use of the entire width between the property lines of every way publicly maintained when any part thereof is open for public purposes. "Street" includes, but is not limited to, a highway, avenue, road, alley, right-of-way, lane, boulevard, concourse, bridge, tunnel, parkways and waterways.
- (7) **Structure Location Permit.** A permit issued by the Zoning Administrator which authorizes the location of an Antenna or Tower at a particular geographic location.
- (8) **Total Gross Revenue.** All cash, credits or other property of any kind or nature reported as revenue items to the Permittee's audited financial statements arising from or attributable to the sale, lease, rental or exchange of Wireless Telecommunications Services or the equipment by the Permittee within the City or in any way derived from the operation of its Wireless Telecommunications System, including, but not limited to, any interconnection between its system and the Village and any system whatsoever. This shall be the basis for computing the fee imposed pursuant to Subsection (b)(2). Such sum shall not include any bad debts, deposits, promotional or vendor discounts or credits or sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal services charges and are remitted by the Permittee directly to the taxing authority.
- (9) **Tower.** Any ground, building or roof-mounted pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna.
- (10) **Wireless Telecommunications Permit.** The privilege granted by the City by which it authorizes an entity to erect, construct, reconstruct, operate, dismantle, test, use, maintain, repair, build or replace a Wireless Telecommunications System. Any permit issued in accordance herewith shall be a non-exclusive permit.
- (11) **Wireless Telecommunications Service.** A licensed commercial wireless telecommunications service including cellular, Personal Communication Services ("PCS"), Specialized Mobile Radio ("SMR"), Enhanced Specialized Mobile Radio ("ESMR") paging, and similar services that are marketed to the general public.

(c) **License Requirements; Fees.**

- (1) No entity may construct, operate or continue to operate a Wireless Telecommunications System within the City without having been issued a Wireless Telecommunications Permit by the Zoning Administrator.
- (2) It shall be a term and condition of any Wireless Telecommunications Permit issued in accordance herewith and part of the consideration supporting the issuance of such Wireless Telecommunications Permit that the Permittee shall pay to the City the sum of five percent (5%) of all Total Gross Revenue derived from the operation of Wireless Telecommunications System. Such payments shall be made annually within one hundred twenty (120) days after the close of the calendar year. All fee payments shall be subject to audit by the City and assessment or refund if the payment is found to be in error. In the event that an audit by the City results in an assessment of an additional payment to the City, such additional payment shall be subject to interest at the rate of one and one-half percent (1-1/2%) per month retroactive to the date of such payment originally should have been made. Such payment shall be due and payable immediately and shall include the costs of conducting said audit.
- (3) **Structure Location Permit Fees.**
 - a. All applicants for a Structure Location Permit shall pay to the City a permit request fee per site as prescribed in Section 1-3-1.
 - b. Any entity operating a Wireless Telecommunications System shall pay to the City an annual Structure Location Permit Fee as prescribed in Section 1-3-1.
- (4) The request fee shall be paid to the Zoning Administrator at the time of making application for a Structure Location Permit. The annual Structure Location Permit Fee provided for in Subsection (c) above shall be paid to the Zoning Administrator annually on or before October 1 of each calendar year for the portion of the Wireless Telecommunications System within the City right-of-way on January 1 of that year, and as a prorated license fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of the application for a Structure Location Permit. Such quarterly fees are due on January 1, April 1, July 1 and September 1.
- (5) Fees not paid within ten (10) days after the due date shall incur interest at the rate of one-half percent (1-1/2%) per month from the date due until paid.
- (6) The acceptance of any fee payment required hereunder by City shall not be construed as an acknowledgement that the payment paid is the correct amount due, nor shall such acceptance be construed as release of any claim which the City may have for additional sums due and payable.

(d) **Conditions of Permit.**

- (1) Any Wireless Telecommunications Permit or Structure Location Permit issued by the City shall be a non-exclusive permit for the use of those areas within the City specified in the Wireless Telecommunications Permit or Structure Location Permit.

- (2) Any Wireless Telecommunications Permit or Structure Location Permit issued by the City shall continue in full force and effect so long as the Permittee is in compliance with this Chapter, all applicable federal, state and local ordinances and regulations and the space occupied is not deemed to be needed by the City for any other public purpose.
- (3) In the event any Wireless Telecommunications Permit or Structure Location Permit is revoked by the City, the Wireless Telecommunications System shall, at the sole option of the City, be removed within thirty (30) days at the sole expense of the Permittee.

(e) **Permit Locations and Conditions.** Antennas and towers authorized by a Structure Location Permit shall comply with the following requirements:

- (1) A proposal for a new antenna or tower shall not be approved unless the City finds that the telecommunication equipment planned for a proposed antenna cannot be accommodated on an existing or approved tower within a one (1) mile radius of the proposed location due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing unit or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b. The equipment would cause interference materially impacting the usability of other existing or approved equipment at the Tower as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by qualified and licensed professional engineer.
 - d. Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.
- (2) Any proposed tower shall be designed in all respect to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height and for at least one (1) additional user if the tower is sixty (60) to one hundred (100) feet in height. Towers must be designed to allow for future rearrangements of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be erected and constructed in such a manner as to comply with all applicable City ordinances. All towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Towers shall not be illuminated by artificial means and shall not display strobe lights except if such lighting is specifically required by the Federal Aviation

Administration or other state or federal authority. Any Permittee seeking to operate a Wireless Telecommunications System shall provide the City with a letter of intent signed by the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet objectively reasonable terms and conditions for share use.

(f) **Use of Streets and Pole Attachments.**

- (1) Before commencing construction of a Wireless Telecommunications System in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the City, the permittee shall first obtain the written approval of, and all other necessary permits from, all appropriate City agencies, including, but not limited to, the Zoning Administrator and the Department of Public Works. Applicants for such approval shall be made in the form prescribed by the City Engineer.
- (2) Upon obtaining such written approval, the Permittee shall give the City Engineer and any other appropriate agency written notice within a reasonable time for proposed construction, but in no event shall such notice be given less than ten (10) days before commencement of such construction, except for emergency repairs of existing lines and cables.
- (3) Any entity that submits a request for a Wireless Telecommunications Permit in accordance herewith shall include therein proposed agreements for the use of existing towers and antennas, if applicable, with the owner(s) of such facilities to be used or affected by the construction of the proposed Wireless Telecommunications System.
- (4) It shall be unlawful for the Permittee or any other person or entity to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without first obtaining approval to do so after proceeding in the manner described in Subsection (e)(1) and (2). Violation of this Subsection shall subject the Permittee to all penalties and remedies prescribed herein and to all other remedies, legal or equitable, which are available to the City.
- (5) The Permittee shall restore any street or sidewalk it has disturbed in accordance with the provisions of the City's standard specifications for streets and sidewalks, and shall at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured, by or on account of its activities, to as good as the condition such property was immediately prior to the disturbance, damage or injury, or pay the fair market value of such property to its owner(s), or shall make such other repairs or restoration as outlined in the approved permit.
- (6) The Permittee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from such street or other public place, any of its property when required to do so by the City because of street or other public excavation, construction, repair, regarding or grading, traffic conditions, installation of sewers, drains, water

pipes, City-owned power or signal lines, tracts, vacation or relocation of streets or any other type of construction or improvement of a public agency, or any type of improvement necessary for the public health, safety or welfare, or upon termination or expiration of the permit.

- (7) The Permittee shall maintain all wires, conduits, cables or other real and personal property and facilities in good condition, order and repair. The Permittee shall provide indemnity insurance and performance bonds or demonstrate financial responsibility as shall comply with all rules and regulations issued by the City Engineer governing the construction and installation of Wireless Telecommunications Systems.
 - (8) The Permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the City and shall furnish as soon as they are available, two (2) complete copies of such maps and records, including as-built drawings, to the City Engineer.
 - (9) The Permittee shall comply with all rules and regulations issued by the City Engineer governing the construction and installation of Wireless Telecommunications Systems.
- (g) **Violation and Penalties.** Any entity who shall carry on or conduct any business or occupation or profession for which a Wireless Telecommunications Permit or a Structure Location Permit is required by this Chapter. Each day any violation continues shall be deemed a separate, chargeable offense. No tower or antenna may be sited on residential property within the City of Osseo.
- (h) **Restrictions on Assignment, Transfer, Sale and Subleasing.**
- (1) The rights and privileges hereby granted are considered personal, and if the Permittee sells, assigns, transfers, leases or pledges such rights or privileges, or both, in whole or in part, either directly or by operation of the law, then the City shall have the right to terminate any and all permits issued hereunder for no other cause. The City shall terminate such permits in writing, by certified mail, return receipt requested, to the Permittee, and such termination shall be effective sixty (60) days from said date of mailing. The rights and privileges hereby granted shall not be mortgaged or encumbered without the prior consent and approval of the City given by written resolution.
 - (2) In addition to the provisions of termination provided for in Subsection (h)(1), the City shall have the right to terminate any and all permits issued hereunder upon any actual or pending change in, or transfer of, acquisition by any other party, or control of stockholders, but includes actual working control in whatever manner exercised. The Permittee shall annually submit to the City a list of all shareholders and a list of all officers and directors. By acceptance of the Wireless Telecommunications Permit, the Permittee specifically agrees that any violation of this Section shall, at the City's option, cause any and all permits granted the Permittee under this Section to be revoked.

(i) **Reports.**

- (1) Entities requesting a Wireless Telecommunications Permit may be required by the City to submit evidence of financial capability to construct and operate a Wireless Telecommunications Permit. Such evidence may include but is not limited to, previous years' audited financial statements for the entity, individual financial statements of principals or investors or such other financial information as the City may desire.
- (2) The Permittee shall provide the City with a written statement from an independent certified public accountant within one hundred twenty (120) days after the close of the calendar year that such certified public accountant has reviewed the books and records of the Permittee as they related to any permits issued under this Section, and based upon such review, the certified public accountant believes the payment received by the City property reflects the fee due to the City with respect to this Section. The City shall have the right to reasonable inspection of the Permittee's books and records during normal business hours.

- (j) **Obsolete or Unused Towers.** All obsolete, damaged, unused, or abandoned towers, antennas, and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations unless a time extension is approved by the Common Council. If the tower/antenna is not removed, it may be deemed a nuisance pursuant to the Wisconsin Statutes. In the event a tower is determined to be a nuisance, the City may act to abate such nuisance and require the removal of the tower/antenna at the property owner's expense. The owner shall provide the City with a copy of the notice of the Federal Communication Commission's (FCC) intent to cease operations and shall be given twelve (12) months from the date of ceasing operations to remove the obsolete tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve (12) consecutive months. The equipment on the ground is not to be removed until the tower/antenna has first been dismantled. After the facilities are removed, the site shall be restored to its original, or to an improved, state.

- (k) **Procedural Requirements.** Applicants proposing to erect wireless telecommunication towers or antennas shall follow procedures as set forth in this Section. Additional application materials shall include the following:

- (1) **Conditional Use Permit Requirements.** A document from the property owner or lessor that allows the applicant to apply for a conditional use permit, pursuant to Article E of this Code of Ordinances, and building permit to erect a wireless telecommunications tower and/or antenna.
- (2) **Site Plan.** A "scaled" site plan which shows property lines, location of wireless telecommunication tower or antenna setback distances, any accessory equipment structure, fencing and landscaping proposed.

- (3) **Artist's Sketch.** An Artist's or architect's sketch, concept or rendition of the site as built which demonstrates to the satisfaction of the Common Council that the proposed site will be as aesthetically in keeping with its surroundings as possible, including elevations, landscaping, screening, appropriate camouflage and fencing.
 - (4) **Safety Information.** Sufficient information to show that construction, installation and maintenance of the wireless telecommunication tower and /or antenna will not create a safety hazard or damage the property of other persons.
- (l) **Building Permits Required.** No person shall place, construct or modify a wireless telecommunication tower or antenna without first having obtained a building permit. All towers and antennas are subject to plan review and inspection by the City to determine compliance with the Wisconsin Uniform Building Code construction standards. No building permit shall be issued by the City without prior approval of a conditional use permit by the Common Council. The applicant shall provide to the City all information as required by this and other applicable ordinances of the City at the time of application for a building permit. In addition to any other requirements of this or any other section of this Code of Ordinances, the building permit application shall also include the following:
- (1) **Engineering Report.** A report and plan from a qualified and registered engineer or firm that specifies the following:
 - a. The tower height and design, including cross-section and elevation.
 - b. The height above grade for all potential mounting positions for co-location antennae and the minimum separation distances between antennae.
 - c. Structural mounting designs and materials list.
 - d. The capacity of the tower, including the number and type of antennae that the tower can accommodate.
 - e. As applicable, an engineer's stamp and number.
 - (2) **Structural/Electrical Plans.** Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users, and the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
 - (3) **Maintenance Plans.** Plans and specifications showing how the proposed facility will be maintained in keeping with Uniform Building Codes adopted by the City of Osseo.
- (m) **Inspection.** The City of Osseo may, at any time, inspect the telecommunications tower, antenna or other facility to ensure their structural integrity. If, upon such inspection, the City's designated inspector determines that the facility fails to comply with such applicable codes, and that the failure constitutes a danger to persons or property, then, upon notice being provided to the owner of the facility, the owner shall have thirty (30)

days to bring the facility into compliance with the applicable codes and standards. Failure to bring the facility into compliance within the said thirty (30) days shall constitute cause for the removal of the facility at the owner's expense.

- (n) **Non-Interference.** All current or existing telecommunications services shall comply with all relevant Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety and other City and private telecommunications operations.
- (o) **Insurance.** The applicant shall provide the City with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction, operation or collapse of the tower, antennae or accessory equipment.
- (p) **Enforcement.** The provisions of this Section shall be enforced and penalties imposed pursuant to Section 1-1-7.

Sec. 13-1-183 through Sec. 13-1-199 Reserved for Future Use.