

16.1 TITLE AND PURPOSE

The title of this ordinance is the Town of Vermont Mobile Tower Siting Permit Ordinance. The purpose is to insure that any proposed Mobile Cell Towers meet or exceed the requirements of the State of Wisconsin and the County of Dane to properly protect the public health, safety and general welfare of persons in the Town of Vermont and to uphold the goals set forth in the Town's Comprehensive Plan. This ordinance applies to (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

16.2 AUTHORITY

The town board has authority under Wis. Stat. §66.0404(2) and Wis. Stat. §60.61, to adopt and enforce this ordinance.

16.3 DEFINITIONS

All definitions contained in s.66.0404(1) are hereby incorporated by reference.

16.4 MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES PERMIT REQUIRED

A. A town permit and approval is required for the siting and construction of any new mobile service support structure and facilities or collocation related to same. This permit is required in addition to, and whether or not, any Dane County Conditional Use Permit may be required.

B. Application Process

1. A pre-application meeting with the Town of Vermont Plan Commission and the applicant is recommended.
2. A completed Town of Vermont Land Use Intent Form, or other form as shall be established by the Town Board. A permit application will be provided by the town upon request to any applicant. Information to be included:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas,

transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. Ten copies of any and all documents required by/for Dane County Conditional Use Application.
 4. Ten copies of any and all documents required by the State of Wisconsin demonstrating compliance with State requirements.
 5. Payment of Town fees. A nonrefundable fee of an amount determined by a resolution of the Town Board will be charged for each permit application, not to exceed the maximum set forth in s. 66.0404(4)(d) or the fee shall be that maximum.

C. If an applicant submits to the Town an application for a permit to engage in an activity described in this Ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application (5 days for a collocation permit), that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

D. Within 90 days of its receipt of a completed application (45 days for a collocation permit), the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 or 45 day period:

1. Review the application to determine whether it complies with all applicable aspects of the town's building code (Chapter 2), driveway code (Chapter 4), or other town ordinances as appropriate.
2. Make a final decision whether to approve or disapprove the application and whether to issue a building permit and/or driveway permit.
3. Notify the applicant, in writing, of its final decision.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph B.3.f. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with evidence that the engineering certification is flawed.

16.5 PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

16.6 SEVERABILITY

If any provisions of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

16.7 EFFECTIVE DATE

This ordinance is effective on the day following publication per s.60.80.

The Town Clerk shall properly publish this ordinance as required per s.60.80.

Adopted this 12th day of January, 2015.

Posted: January 16, 2015

Summary Published: January 22, 2015

TOWN OF VERMONT BOARD OF SUPERVISORS:

Barbara Grenlie, Chair

Larry Ziemer, Supervisor

Todd Culliton, Supervisor

Donald McKay, Supervisor

Doug Meier, Supervisor

Attest: _____
Karen Carlock, Clerk