

CHAPTER 14

COMMUNICATIONS SUPPORT STRUCTURES AND RELATED FACILITIES

(Created: 29 Sept. 2015; Ord. No. 2015-10; Effective 9 Nov. 2015)

(Amended: 23 May 2017; Ord. No. 2017-03)

(Amended: 26 March 2019; Ord. No. 2019-02)

14.01 Mobile Tower Siting

14.02 Radio Broadcast Service Facilities

14.03 Other Communications Services Support Structures and Related Facilities

14.01 Mobile Tower Siting

(1) Authority. Section 14.01 is adopted pursuant to §§59.03, 59.54, 59.69, and 66.0404, Wis. Stats.

(2) Applicability. Section 14.01 applies in the unincorporated areas of Door County ("County") as provided under §66.0404(5), Wis. Stats.

(3) Authority Cited. All references to the Wisconsin Statutes and Administrative Code in this Chapter are to the statutes and code in effect as of the date this ordinance is enacted or as the statutes and code are subsequently amended or revised.

(4) Exemptions. The following are exempt from all provisions of this Chapter except Sections 14.01(18)(c), (d), and (e):

(a) Portable or mobile structures and facilities (i.e., those in existence for not more than one year) for temporary mobile services or temporary services providing public information coverage of news events or of an emergency. One extension, of one year or less, may be available upon prior written request, and demonstration of need, to the Resource Planning Committee.

(b) Public safety communications support structures and related facilities owned and operated by federal, state, county, or other local units of governments.

(c) Support structures, including mobile service support structures, destroyed or partially destroyed by an event that directly and exclusively results from the occurrence of natural causes (e.g., earthquakes, fire, flood, storm, tornado, and violent wind), explosion, terrorism, vandalism, or similar calamity that was not caused by, and could not have been prevented by the exercise of foresight or caution of the mobile service support structure owner or property owner, may be replaced with a mobile service support structure of the same type and heights without a permit, but only upon prior written notice to and with approval of the Land Use Services Department.

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(d) Structures for residential satellite dishes, residential television antennas, or other antennas that are used privately, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

(e) Antenna facilities, but only to the extent set forth in §59.69(4d)(a) – (c), Wis. Stats.

(f) Amateur radio antennas, but only to the extent set forth in §59.69(4f)(a) – (b), Wis. Stats., that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

(5) Purpose. The purposes of Section 14.01 include regulation, subject to the provisions and limitations of §66.0404, Wis. Stats., of the following activities:

(a) The siting and construction of mobile service support structures and mobile service facilities.

(b) With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification.

(c) Class 2 collocation.

(6) Intent. These regulations are intended to accomplish, to the greatest degree possible, the following:

(a) Provide a uniform and comprehensive set of standards for the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.

(b) Minimize adverse effects of support structures and related facilities, including mobile service support structures and mobile service facilities, through siting standards.

(c) Consistent with the Federal Telecommunications Act of 1996, maintain and ensure a broad range of mobile services and high quality mobile service infrastructure in order to serve the community and Door County's police, fire, and emergency response network.

(d) Promote and protect public health, safety, and general welfare.

(e) Not prohibit, or have the effect of prohibiting, the provision of mobile services.

(f) Not unreasonably discriminate among providers of functionally equivalent services.

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- (g) Preserve the authority of Door County over decisions regarding the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.
- (7) Compliance. No support structure (e.g., communications tower) or related facility, including no mobile service support structure or mobile service facility, shall be sited, constructed, or modified except in full compliance with this Chapter.
- (8) Abrogation. It is not intended by the creation of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing ordinance.
- (9) Interpretation. The provisions of this Chapter and all other provisions of the Zoning Ordinance shall be harmonized to give full force and effect to each wherever possible. In the event of an irreconcilable conflict, this Chapter controls with regard to the regulation of support structures and related facilities.
- (10) Severability. The provisions of this Chapter shall be interpreted, when possible, to sustain their legality and enforceability as a whole. In the event any provision of this Chapter shall be held, in whole or in part, illegal or unenforceable by a court of competent jurisdiction, neither the validity of the remaining part of such provision, nor the validity of any other provision of this Chapter, shall be in any way affected thereby.
- (11) Warning and Disclaimer of Liability. This Chapter shall not create a duty or liability on the part of, or a cause of action against Door County, its officers, or employees thereof, for any damages that may result from administration of or reliance on this Chapter.
- (12) Definitions.
- (a) Antenna: Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
 - (b) Applicant: The owner(s) or lessee(s) of the land upon which the structure and facilities are proposed to be located.
 - (c) Class 1 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
 - (d) Class 2 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
 - (e) Collocation: A class 1 or class 2 collocation or both.

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(f) Critical Public Safety Communications Corridor: The area within an existing line-of-site communications path that is used by public safety entities for critical safety-of-life communications.

(g) Equipment Compound: An area surrounding or adjacent to the base of an existing support structure within which is located the related mobile service facilities.

(h) Existing Structure: A support structure that exists at the time a request for permission to place any type of mobile service facility on or near the support structure is filed with a political subdivision.

(i) Mobile Service: The meaning given in 47 USC 153 (33).

(j) Mobile Service Facility: All equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide mobile service to a discrete geographic area that are placed on or around a support structure, but does not include the underlying support structure.

(k) Mobile Service Provider: Any person who provides mobile service, including a person that builds and operates mobile service support structures or facilities, whether or not licensed by the Federal Communications Commission.

(l) Mobile Service Support Structure: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(m) Permit: A permit issued hereunder which authorizes any of the following by an applicant: a Class 1 collocation; a Class 2 collocation; or construction of a support structure, including a mobile service support structure.

(n) Operator: The person who owns or operates a support structure or related facilities.

(o) Search Ring: A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(p) Substantial Modification: The modification of a support structure (e.g., mobile service support structure), including the mounting of an antenna on such a structure, that does any of the following:

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1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(q) Support Structure: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(r) Utility Pole: A structure owned or operated by an alternative telecommunications utility, as defined in §196.01(1d), Wis. Stats.; public utility, as defined in §196.01(5), Wis. Stats.; telecommunications utility, as defined in §196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in §182.017(1g)(cq), Wis. Stats.; for video service, as defined in §66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

(13) Application and Permit.

(a) Permit Required. A permit is required hereunder, subject to the provisions and limitations of §66.0404, Wis. Stats., for any of the following activities:

1. The siting and construction of mobile service support structures and mobile service facilities;
2. With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification; and
3. A class 2 collocation.

(b) Provided all requirements of this Chapter are met, a permit to engage in the activities described in Section 14.01(13)(a)1. – 3., above, shall be issued to the applicant.

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(14) Application Process.

(a) Prior to engaging in any siting, construction, or modification activity described in Section 14.01(13), above, the applicant must complete the application process and obtain a permit as set forth herein.

(b) The application shall be in writing, on the prescribed form, and shall contain all of the information set forth below, as applicable:

All Applications: New, Class I Collocations, or Class II Collocations

1. Name, business address, email address (optional), phone number, and original duly authorized (and notarized) signature of each applicant or a duly authorized signatory.
2. Name, business address, email address (optional), and phone number of the contact individual for each applicant.
3. Name, business address, email address (optional), and phone number of each known operator if different than the applicant.
4. Name, business address, email address (optional), and phone number of the contact individual for each known operator.
5. Federal Communications Commission license and registration numbers.
6. Site plan showing location of the proposed or affected mobile service support structure and mobile service related facility.

Applications for New or Class I Collocations

7. A sworn statement attesting that the applicant verified with the Door County Technology Services Department that the proposed support structure and related facilities will not be located within any critical public safety communications corridor.
8. Plans indicating security measures (i.e., access, fencing, lighting, signage, etc.).
9. Proof of comprehensive general liability insurance coverage. The policy shall be furnished by an insurer authorized to do business in Wisconsin, include coverage for bodily injury liability, property damage, and personal injury, with no less than a one million dollar (\$1,000,000) limit per occurrence, with a three million dollar (\$3,000,000) aggregate. Coverage must be written on an "occurrence" basis, shall cover all risks incident to any activity of the applicant under any permit issued hereunder, and must be maintained without lapse in coverage until all permitted structures and related facilities cease operation.
10. A copy of the deed, evidencing current ownership of the real property, and, if applicable, the property lease agreement. The lease agreement shall not discourage or prevent collocation of other providers.

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11. Proof of compliance with Federal Communications Commission (“FCC”) rules for environmental review, including a letter stating that an Environmental Assessment (“EA”) is not required, a Finding of No Significant Impact (“FONSI”), or other written assurance that appropriate measures are or will be taken to protect environmental and historic resources.

12. Proof that the Federal Aviation Administration (“FAA”) was notified and a final written determination of 'no hazard' to air navigation from the FAA.

13. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the mobile service support structure.

14. Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.

(c) If the application is to substantially modify an existing support structure, the application shall also include 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.

(d) If the application is to construct a new mobile service support structure, the application shall also include:

1. 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; and

2. 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.

(e) All applications must be accompanied by the requisite non-refundable permit fee, consistent with §66.0404(4)(d)1. – 2., Wis. Stats., and as established by the Door County Board of Supervisors.

(f) The Door County Land Use Services Department (“Land Use Services Department”) may, in the exercise of its discretion, engage the services of third-party consultants to assist with review of the application and permit. If a third-party consultant is engaged, the applicant shall pay, subject to §66.0404(4)(f), Wis. Stats., the actual, necessary, and direct cost (sans travel expenses) of the third-party consultant.

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(g) The permit fee requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole use or benefit of the state, the county, or a municipality.

(15) Application Review and Permit Grant.

(a) The Land Use Services Department will determine whether or not an application is complete. To be deemed complete, an application must contain all the information required by this Chapter, be properly executed, and be accompanied by the requisite fee and payment of (or agreement to pay) any applicable charges.

(b) If the Land Use Services Department does not deem an application to be complete, the Land Use Services Department shall notify the applicant in writing within ten (10) days (within five (5) days for a class 2 collocation) of receiving the application, 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.

(c) Within ninety (90) days (within forty-five (45) days for a class 2 collocation) after the application is determined complete under Section 14.01(15)(a), supra, the Land Use Services Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Services Department may agree in writing to an extension of the ninety (90) day (forty-five (45) day for a class 2 collocation) period:

1. Review the application to determine whether it complies with all applicable aspects of (subject to the limitations of §66.0404, Wis. Stats.) the county zoning ordinance.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant in writing of its final decision.
4. If the application is approved, and all fees and charges paid, issue the applicant the relevant permit.
5. Any denial (i.e., disapproval) of an application will be in writing and supported by substantial evidence in a written record.

(d) The Land Use Services Department 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 in Section 14.01(14)(d)2., above.

(16) Permit Transferability.

(a) Permits are valid only for the person or persons listed on the permit.

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(b) Permits may only be transferred if: the real property is sold or the lease is transferred; the requisite permit transfer form (available from the Land Use Services Department) is complete (to the satisfaction of the Land Use Services Department), fully executed and notarized; and the transferee meets all the requirements of this Chapter and the permit.

(17) Structural, Design, and Environmental Standards.

(a) All new mobile service support structures, existing support structures, and mobile service facilities shall be designed as set forth below:

1. Mobile service support structures and mobile service facilities, to the degree feasible and practicable, shall be non-reflective in color.
2. Mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
3. The perimeter of the equipment compound shall be located within 50 feet of the associated support structure, as measured from the center of the support structure.
4. Buildings located within the equipment compound shall not exceed twenty-six (26) feet in height, measured from the original grade at the base of the facility to the top of the facility.

(18) Setbacks/Fall Zone/Critical Public Safety Communications Corridor/Wetlands.

(a) The setback or fall zone requirement for mobile service support structures is the height of the structure (e.g., tower) plus ten percent (10%).

(b) If an applicant provides Door County 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 setback or fall zone area required above, that setback or fall zone requirement does not apply to such a structure unless Door County provides the applicant with substantial evidence that the engineering certification is flawed.

(c) All mobile service support structures and mobile service facilities shall meet the required shoreland setbacks. A lesser setback from the ordinary high-water mark shall be allowed only if the applicant demonstrates that there is no feasible alternative location outside of the shoreland setback area and best management practices to infiltrate or otherwise control storm water runoff from the structure are employed.

(d) No mobile service support structures or mobile service facilities shall be located within any designated critical public safety communications corridor. The burden is on the applicant to demonstrate that the project will avoid interference

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to critical public safety communications. The objectives here are to: promote robust and reliable, and prevent or mitigate interference to, public safety communications (e.g., law enforcement, emergency medical, and fire) systems that provide critical safety-of-life communications services. This requirement reflects the minimum practical regulations that are necessary to accomplish that public health and safety objective.

(e) No mobile service support structure or mobile service facility shall be permitted in wetlands.

(19) Site Development.

(a) Noise and Traffic.

Mobile service support structures or mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, the following measures shall be implemented for mobile service support structures or facilities.

1. Noise-producing activities (e.g., construction) shall take place only on weekdays (Monday through Friday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and
2. Emergency power systems (e.g., backup generators and backup batteries), if present, shall be operated only during power outages, for testing, and maintenance purposes.

(b) Security and Signage.

1. Mobile service support structures and mobile service facilities shall be reasonably protected against unauthorized access.
2. Signs must be prominently displayed within the equipment compound prohibiting entry without authorization, warning of the dangers from electrical equipment and unauthorized climbing of the support structure (e.g., tower), and identifying the owner and telephone number for contact in case of emergency. No sign shall be larger than six (6) square feet.

(c) Driveways and Access.

1. Access to mobile service sites shall be by an all-weather gravel or paved driveway. No driveway, unless required under 3., below, shall have a width greater than fifteen (15) feet. Driveways must have a turnaround of the minimum size necessary to accommodate and provide maneuverability for service and emergency vehicles.
2. All mobile service sites shall use existing access points and roads whenever possible. Sites that abut two (2) or more public roads shall gain access from the lowest-class road regardless of driveway length. The road classification hierarchy, in order from highest to lowest, shall be as follows:

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federal, state, county, town. The applicant shall seek and obtain approval for access from the entity having jurisdiction over the road.

3. The permitting, location, design, and construction of access driveways shall conform to any applicable requirements established by the town.

(20) Ceased Operation, Removal, and Financial Assurance for Removal.

(a) Restoration Requirement.

1. Any mobile service support structure or mobile service facility that has not been operated for a continuous period of twelve (12) months shall be considered to have ceased operation. Within six (6) months of the mobile services permit holder being notified that a mobile service support structure or related facility is considered to have ceased operation, the property shall be restored as herein required:

- a. All mobile service support structures and mobile service facilities shall be removed from the property. If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
- b. All building(s), supporting equipment, and foundations shall be removed to a depth of five (5) feet below the ground surface or, if the distance to bedrock is less than five (5) feet, to bedrock. All excavated areas shall be filled in with unconsolidated soil material, of which the top four (4) or more inches shall be screened topsoil. The excavated areas shall be made level with the surrounding ground surface and shall be seeded or planted with native vegetation.
- c. A document showing the existence of any subsurface structure remaining below grade shall be recorded with the Door County Register of Deeds. Such recording shall accurately set forth the location and describe the remaining structure.
- d. Any hazardous material, either in containers or spilled upon or in the ground, shall be removed and disposed of in a manner prescribed by applicable state and federal law.

2. If removal to the satisfaction of the Land Use Services Department does not occur within six (6) months, the Zoning Administrator may order restoration utilizing the established financial assurance as provided under subsection 3.g., below, and salvage said mobile service support structure or facility.

3. Subject to §66.0404(4)(i), Wis. Stats., as a condition of the issuance and validity of a permit, the applicant/permit holder shall file and maintain a

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financial assurance with the Land Use Services Department. The financial assurance:

- a. Shall be by an irrevocable letter of credit or performance bond.
- b. Shall equal as closely as possible the cost to Door County of hiring a contractor to complete restoration as set forth in Section 14.01(20)(a)1. a. – d., above. This amount will initially be based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in use. The amount of financial assurance shall be reviewed periodically by the Land Use Services Department to assure it equals outstanding restoration costs.
- c. May be adjusted when required by the Land Use Services Department. The Land Use Services Department may notify the permit holder in writing that adjustment is necessary and the reasons for it (e.g., based upon prevailing or projected interest or inflation rates, or the latest cost estimates for restoration).
- d. Shall be payable to Door County.
- e. May not be cancelled by the surety or other holder or issuer except after not less than a ninety (90) day notice to the Land Use Services Department in writing by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the permit holder shall deliver to the Land Use Services Department a replacement proof of financial assurance. In the absence of this replacement financial assurance, operation of the mobile service facility shall cease until the time it is delivered and in effect.
- f. Shall be released only upon the Land Use Services Department's certification of successful completion of necessary restoration measures. The permit holder must notify the Land Use Services Department, by filing a notice of completion, that restoration is complete. The Land Use Services Department will inspect the site that was the subject of the notice of completion to determine if restoration has been carried out in accordance with Section 14.01(20)(a)1. a. – d., above. Within sixty (60) days after the notice of completion is filed, the Land Use Services Department will issue a written determination that: it is not possible to assess whether restoration is complete due to weather conditions, soil conditions, or other relevant factors;

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restoration is not complete; restoration is complete in part; or restoration is fully complete.

- g. Shall be forfeited if restoration is not completed as required by Section 14.01(20) (a)1. a. – d., above.

4. The permit holder may change financial assurance. This may not be done more than once a year unless required by and adjustment imposed pursuant to Section 14.01(20)(a)3.c., above. The permit holder shall give the Land Use Services Department at least sixty (60) days' notice prior to changing financial assurance and may not actually change financial assurance without the prior written approval of the Land Use Services Department.

5. Any person who obtains a permit from the Land Use Services Department for two (2) or more sites may elect, at the time the second or subsequent permit is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each site. When an applicant/permit holder elects to post a single financial assurance in lieu of separate financial assurances for each site, no financial assurances previously posted on individual sites shall be released until the new financial assurance has been accepted by the Land Use Services Department.

6. The financial assurance requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole benefit or use of, the state, county or a municipality.

7. This financial assurance requirement is deemed competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the County of Door which fall into disuse.

(21) Administration, Appeal, and Enforcement.

(a) Administration.

The Land Use Services Department is empowered and responsible to administer this Chapter, issue permits as appropriate under this Chapter, and perform all other duties within the scope of this Chapter. All duties shall be the responsibility of a Zoning Administrator, except as otherwise specified.

(b) Appeals.

A party who is aggrieved by the final decision of the County to approve or disapprove an application hereunder may only pursue the remedy set forth in §66.0404(2)(f), Wis. Stats., or §66.0404(3)(d), Wis. Stats.

(c) Violations.

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It shall be unlawful to site, construct, install, reconstruct, improve, extend, enlarge, relocate, or convert any support structure or related facility in violation of the provisions of this Chapter. It shall also be unlawful to fail to obtain a permit.

(d) Enforcement, Penalties, and Remedies for Violation.

Door County may enforce this Chapter by any lawful enforcement method deemed appropriate and necessary, including the following:

1. Issuance of a citation under §66.0113, Wis. Stats., and Ch. 35, §35.01, Door County Code.
2. Filing a summons and complaint, seeking injunctive relief, monetary penalties, and any other remedy allowed by law.
3. A monetary penalty of not less than one hundred and fifty dollars (\$150) per day and not more than five hundred dollars (\$500) per day for each offense. Each day of continued violation constitutes a separate offense.
4. Allowable assessments, costs, fees, penalties, and surcharges.

(e) Nonexclusivity.

1. Enactment of this Chapter does not preclude the County from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
2. The issuance of a citation or filing of a summons and complaint hereunder shall not preclude the County or any other person or entity from proceeding under any other law, ordinance, regulation or order or by any other enforcement method to enforce any law, ordinance, regulation or order.

14.02 Radio Broadcast Service Facilities

(1) Authority. Section 14.02 is adopted pursuant to §§59.03, 59.54, and 66.0406, Wis. Stats.

(2) Applicability. Section 14.02 applies in the unincorporated areas of Door County ("County").

(3) Purpose. The purpose of Section 14.02 is to regulate the placement, construction, or modification of radio broadcast service facilities, subject to the provisions and limitations of §66.0406, Wis. Stats.

(4) Intent. Section 14.02 is intended to accomplish, to the greatest degree possible, the following:

- (a) Promote and protect public health, safety, and general welfare.

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- (b) Minimize or eliminate the adverse public health or safety effects of the siting and construction of radio broadcast service facilities, through the minimum practical regulations that are necessary to accomplish these objectives.
 - (c) Reasonably accommodate radio broadcast services.
 - (d) Not prohibit, or have the effect of prohibiting, the provision of radio broadcast services.
- (5) Application and Permit.
 - (a) A permit is required for radio broadcast service facilities.
 - (b) The application process, fee and charges, application review, permit grant, and permit transferability, for radio broadcast service facilities shall be the same as set forth in Sections 14.01(13) – (16), above.
- (6) Denial of Placement, Construction, or Modification of Radio Broadcast Service Facilities.
 - (a) If the Land Use Services Department denies a request by any person to place, construct, or modify radio broadcast service facilities, the denial may be based only on public health or safety concerns.
 - (b) The Land Use Services Department must provide the requester with: a written denial of the requester's request; and substantial written evidence which supports the reasons for the Land Use Services Department's action.
- (7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.
 - (a) The foregoing are, subject to the limitations set forth in §66.0406(2)(a) – (b), Wis. Stats., as set forth in Sections 14.01(17) – (20), above.
- (8) Administration, Appeal, and Enforcement.
 - (a) The foregoing are as set forth in Section 14.01(21), above.
- (9) Definitions.
 - (a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Section 14.01(12).
 - (b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.02 as referring to radio broadcast services or radio broadcast service facilities.

(c) Radio Broadcast Services: The regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the public.

(d) Radio Broadcast Service Facilities: The commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

14.03 Other Communications Services Support Structures and Related Facilities

(1) Authority. Section 14.03 is adopted consistent with §§59.03, 59.54, and 59.69, Wis. Stats., and, to the extent it is applicable, the Federal Telecommunications Act of 1996.

(2) Applicability. Section 14.03 applies in the unincorporated areas of Door County (“County”).

(3) Purpose. The purpose of Section 14.03 is to regulate the placement, construction, or modification of wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.

(4) Intent. Section 14.03 is intended to accomplish, to the greatest degree possible, the following:

(a) Preserve Door County’s authority over zoning and land use decisions for other communications services support structures and related facilities.

(b) Promote and protect public health, safety, and general welfare.

(c) Minimize or eliminate the adverse public health or safety effects of other communications services support structures and related facilities through the minimum practical regulations that are necessary to accomplish these objectives.

(d) Encourage collocation to the extent technologically feasible, and engage in cooperative efforts with providers to chart the potential overlap of desirable locations, in order to minimize the number of structures and facilities to be sited.

(e) To not unreasonably discriminate among providers of functionally equivalent services.

(f) To not regulate in a manner that prohibits or has the effect of prohibiting the provision of these other communications services.

(5) Application and Permit.

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- (a) A permit is required for the placement, construction, or modification of other communications service support structures and related facilities.
 - (b) The application process, fee and charges, application review, permit grant, and permit transferability, for other communications service support structures and related facilities are consistent with that set forth in Sections 14.01(13) – (16), above.
- (6) Denial of Placement, Construction, or Modification of Other Communications Service Support Structures and Related Facilities.
- (a) Door County must act on applications within a reasonable period of time.
 - (b) Door County must make any denial of an application in writing supported by substantial evidence in a written record.
- (7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.
- (a) The foregoing are consistent with that set forth in Sections 14.01(17) – (20), above.
- (8) Administration, Appeal, and Enforcement.
- (a) The foregoing are consistent with that set forth in Section 14.01(21), above.
- (9) Definitions.
- (a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Sections 14.01(12).
 - (b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.03 as referring to wireless communications services support structures and related facilities other than those described in §§66.0404 and 66.0406, Wis. Stats.
 - (c) Other Communications Services Support Structures: Wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.

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14.04 Broadband Network Projects – Pursuant to §196.504, Wis. Stats.

(Added: 23 May 2017; Ord. No. 2017-03)

- (1) Authority. This section is enacted consistent with §§ 59.03, 59.54, 59.69 & 196.504, Wis. Stats.
- (2) Applicability. This section applies in the unincorporated areas of Door County.
- (3) Purposes. The purposes of this section are:
 - (a) To ensure that Door County may be certified as a *Broadband Forward! Community* under §196.504(4), Wis. Stats.
 - (b) To encourage the development of broadband infrastructure in underserved areas of Door County; and
 - (c) To effect the timely and efficient: review and approval of applications, issuance of permits, and resolution of related issues related to broadband network projects.

This section shall at all times be construed consistent with the aforementioned purposes.

(4) Interpretation. If ambiguities or conflicts exist between the provisions of this section and §§14.01-14.03 above, an attempt should be made to reconcile and give effect to all provisions if reasonably practicable. If not, then the provisions of this section control.

(5) Definitions. To the extent there are no irreconcilable conflicts, the definitions in this section shall be as set forth in §196.504(4), Wis. Stats., §§14.01-14.03 Door County Comprehensive Zoning Ordinance, and as follows:

- (a) “Applicant” means a person applying for a permit for a broadband network project.
- (b) “Broadband Network Project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in underserved areas of Door County.
- (c) “Permit” means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (d) “Written” or “in writing” means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

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(6) Point of Contact. The single point of contact for all matters related to a broadband network project, including receipt of a broadband network project application, is the:

Door County Land Use Services Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
PH: 920.746.2323
FAX: 920.746.2387
Email: mgoode@co.door.wi.us
Website: <http://map.co.door.wi.us/planning/>

(7) Electronic Submission. All forms, applications, and documentation related to a broadband network project may be filed and signed by electronic, or any other means authorized by the Public Service Commission of Wisconsin.

(8) Application and Permit.

(a) A permit is required for broadband network projects.

(b) The application process, fee and charges, application review, permit grant, and permit transferability shall be, to the extent such does not conflict with §196.504, Wis. Stats., consistent with §§14.01(13) – (16), above.

(9) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operations, Removal, and Financial Assurance for Removal

(a) The foregoing are as set forth in §14.01(17) – 14.01(20), above.

(b) Subject to the limitations set forth in §§66.0404 & 196.504(4), Wis. Stats.

(10) Completeness Review of Applications.

(a) The Door County Land Use Services Department (“Land Use Services Department”) will determine whether an application is complete and notify the applicant about the determination in writing within ten (10) days of receiving the application.

(b) If the Land Use Services Department does not believe that an application is complete, the written notification under (10)(a) above will specify in detail the required information that is incomplete.

(c) If the Land Use Services Department does not make the written notification required under (10)(a) above, the application will be deemed to be complete.

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(d) An applicant may resubmit an application as often as necessary until the application is complete.

(11) Approval or Denial of Complete Applications.

(a) Within sixty (60) days of receiving an application that is complete, the Land Use Services Department will approve or deny the application and provide the applicant written notification of the approval or denial.

(b) If the Land Use Services Department denies an application, it will include in the written notification under (11)(a) above evidence that the denial is not arbitrary and capricious.

(c) An application is considered approved and any required permit is to be issued if the Land Use Services Department does not provide the written notification under (11)(a) above.

(12) Fees.

(a) Fees, to review an application, issue a permit or perform any other activity related to a broadband network project, will be as established by the Door County Board of Supervisors.

(b) Any fees imposed shall be reasonable consistent with §196.504(5)(i), Wis. Stats.

(c) An application fee that exceeds one hundred dollars (\$100) is unreasonable.

(13) Administration, Appeal, and Enforcement. Administration, appeal and enforcement shall, to the extent there are no irreconcilable conflicts, be as set forth in §§14.01(21) above.

(14) Initial Applicability. This section first applies to applications received for broadband network projects on or after the effective date of this ordinance.