



RECEIVED

HERMAN J. LEASUM (1910-2006)

JAMES R. SMITH
RANDALL J. NESBITT*†
RICHARD A. HAUSER
JON R. PINKERT
JENNIFER C. HOBART
AMY M. SULLIVAN

454 KENTUCKY STREET
P.O. BOX 89
STURGEON BAY, WISCONSIN 54235-0089

FEB -9 2018

RETIRED:
JEFFERY M. WEIR
ROGER PINKERT
MARK A. JINKINS

TELEPHONE (920)743-6505
FACSIMILE (920)743-2041

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

WRITER'S E-MAIL rnesbitt@pinkertlawfirm.com

NORTHERN DOOR OFFICE:
2294 SUNSET DRIVE
SISTER BAY, WISCONSIN 54234
TELEPHONE (920) 854-2616

JAMES R. E. SMITH*

- * Court Commissioner
- † Certified Civil Trial Specialist by National Board of Trial Advocacy
- ♦ Also licensed in Illinois

February 5, 2018

Ms. Mariah Goode
Land Use Services Dept.
421 Nebraska Street
Sturgeon Bay, WI 54235

Re: Town of Nasewaupée Tower Siting Ordinance

Dear Mariah:

Your letter of December 5, 2017 which was sent to Jill Lau, Town Clerk, has been forwarded to me. I have enclosed with this letter a certified copy of the ordinance adopted by the Town of Nasewaupée. The town has adopted this ordinance under Wis. Stats. §66.04(2), §60.62, and §61.35. The purpose of the ordinance as stated therein is to regulate the siting, construction, and a substantial modification of communication towers and associated structures within the Town of Nasewaupée.

It is the position of the town that the ordinance adopted by Door County with respect to tower siting, under Chapter 14, Door County Comprehensive Zoning Ordinance, is not applicable in the Town of Nasewaupée.

If you have questions regarding this matter, please feel free to contact me.

Sincerely,

PINKERT LAW FIRM LLP

Randall J. Nesbitt

RJN/mjh
enclosure

cc: Mr. Grant Thomas, Door County Corp. Counsel, w/enclosure
f:\clients\n\nasewaupée-town\ordinance\tower siting\goode 02-05-18.docx

Town of Nasewaupee Ordinance

ORDINANCE # 2017-02

Tower Siting Ordinance

The Town Board of Supervisors of the Town of Nasewaupee, Door County, Wisconsin, do ordain as follows:

1. **AUTHORITY/PURPOSE.** This Ordinance is based upon authority granted by Wis. Stats. §60.22, §61.34, and §66.0404. The purpose of this ordinance is to regulate the siting, construction and substantial modification of communication towers and associated equipment structures within the Town of Nasewaupee.

2. **AMENDMENT.** The Municipal Code for the Town of Nasewaupee, Door County, Wisconsin, is hereby amended as follows:

A. Section 4.3 is hereby created as follows:

4.3 Tower Siting Ordinance

4.3.010 Purpose and Intent

The purpose and intent of this Ordinance is to regulate the siting, construction and substantial modification of communication towers and associated equipment structures within the Town of Nasewaupee. The purpose of this Ordinance is to protect public health and safety. In that regard, all applicable regulations of state and federal agencies are to be respected, including those of the Federal Communication Commission and the Federal Aviation Administration.

4.3.020 Authority

The authority for this Ordinance is under Wis. Stats. §60.22, §61.34 and §66.0404 and any amendments thereto.

4.3.030 Definitions

The definitions applicable to this Ordinance are set forth in Wis. Stats. §66.0404 (1) and any amendments thereto.

4.3.040 Permit Required

The construction of a new tower or the substantial modification of an existing tower within the Town of Nasewaupee shall require a town tower siting permit to be issued by the Town of Nasewaupee.

4.3.050 Permit Application

Permit applications shall contain all information required by Wis. Stats. §66.0404, as amended, and shall be reviewed and approved or denied by the Town Board in accordance with the provisions of such statute.

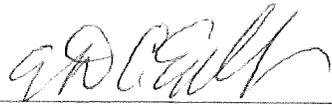
4.3.060 Permit Fees

Fees for permits under this section shall be \$100 for any new tower and \$100 for a substantial modification of an existing tower.

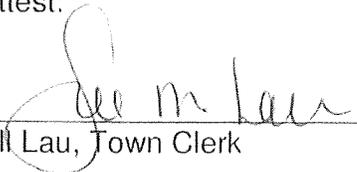
3. EFFECTIVE DATE. This ordinance shall take effect on the day after its publication.

Adopted this 31st day of January, 2017.

TOWN BOARD:

By: 
Steven Sullivan, Town Chairman

Attest:


Jill Lau, Town Clerk

Door County Advocate

STATE OF WISCONSIN
BROWN COUNTY

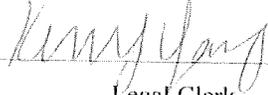
DOOR CO CLERK

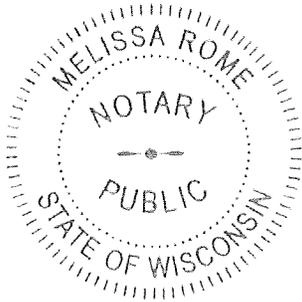
421 NEBRASKA ST
STURGEON BAY WI 542352225

Being duly sworn, doth depose and say that she/he is an authorized representative of the Door County Advocate, a newspaper published in Door County, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

Account Number: GWM-DCCL42
Order Number: 0001907363
No. of Affidavits: 1
Total Ad Cost: \$11.24
Published Dates: 02/04/17

NOTICE OF NEWLY ENACTED ORDINANCE
Please take notice that the Town of Nasewaupée, Door County, Wisconsin, enacted Ordinance No. 2017-02 – Tower Siting Ordinance, which becomes effective the day following publication. The ordinance regulates the siting, construction and substantial modification of communication towers and associated equipment structures within the Town of Nasewaupée. The full text of Ordinance No. 2017-02 may be obtained through the Nasewaupée Town Clerk's office, 2981 Stone Road, Sturgeon Bay, WI, 920-495-0920.
Run: Feb. 4, 2017 WNAJLP

(Signed)  (Date) 2/6/17
Legal Clerk



Signed and sworn before me



My commission expires 1/12/2021

DOOR CO CLERK
Re: 2017-02