



TOWN OF JACKSONPORT
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August 11, 2020

To whom it may concern,

The Town of Jacksonport has recently updated an ordinance regulating towers. The Town of Jacksonport has properly enacted an ordinance under §66.0404(2), Wis. Stats., and either §60.61 or §62.23, Wis. Stats.

The purpose of the ordinance is to regulate, by zoning permit:

- a) the siting and construction of any new mobile service support structures and mobile services facilities;
- b) with regard to class 1 collocation, the installation of mobile service facilities on existing support structures or facilities requiring substantial modification; and/or
- c) with regard to class 2 collocation, the collocation of mobile service facilities on existing support structures or facilities which does not require the substantial modification.

The Town of Jacksonport understand the Door County's ordinance (Chapter 14, Door County Comprehensive Zoning Ordinance) does not per §66.0404(5), Wis. Stats., apply and may not be enforced in the Town of Jacksonport unless the Town of Jacksonport repeals its ordinance.

Sincerely,

TOWN OF JACKSONPORT

A handwritten signature in black ink that reads "Theresa Cain-Bieri". The signature is written in a cursive, flowing style.

Theresa Cain-Bieri, Clerk

TOWN OF JACKSONPORT
ORDINANCE NO. 03-2020 TO REPLACE 01-2018
REGULATING TOWERS

The Town Board of the Town of Jacksonport, Door County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Jacksonport Tower Ordinance."

Section 2. Purpose

The purpose of this ordinance is to regulate towers as necessary to protect public health and safety. In that context, all applicable regulations of various state and federal agencies must be respected, including those of the FCC and the FAA.

Section 3. Authority: Establishment

This Ordinance X-2018 is adopted pursuant to §66.0404, Wis. Stats.

Section 4. Applicability

This Ordinance shall apply to the Town of Jacksonport as provided under §66.0404 (2) (a) and §66.0404(5), Wis. Stats. This ordinance shall only regulate towers that provide wi-fi service to customers with fixed points of service within the Town of Jacksonport.

Section 5. 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.

Section 6. Repeal of Prior Ordinance

By enactment of this ordinance, the Town of Jacksonport hereby repeals all provisions of Ordinance 03-2016 Regulating Towers.

Section 7. Definitions

The term "tower" is defined as communications equipment, including any associated equipment structures, that transmits and receives electromagnetic radio signals.

The term "antenna" is defined as communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Section 8. Permit Required

- a. The construction of a new tower or the substantial modification of an existing tower shall require a zoning permit issued by the Jacksonport Town Board and a building permit to be issued on behalf of the Town of Jacksonport.
- b. Permit applications shall contain the information specified in Wisconsin Statutes §66.0404 and shall be reviewed and approved or denied in accordance with the specifications of that statute. Permit fees are \$100 for a new tower application and \$100 for equipment addition or significant modification of equipment.

Section 9. Permit Transferability

- a. Permits are valid only for the person or persons listed on the permit.
- 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 Town Clerk) is complete (to the satisfaction of the Town Board), fully executed and notarized; and the transferee meets all the requirements of this Ordinance and the permit.

Section 10. Tower Location

- a. Towers shall have the same setbacks from property lines as accessory structures for the zoning district.
- b. The Town of Jacksonport Plan Commission must approve the location of any tower permit application located on any parcel within the Town of Jacksonport.
- c. Guy wire towers shall be setback from property lines no closer than the height of the tower plus 10 percent.

Section 11. Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Section §60.80, Wis. Stats .

Town of Jacksonport Ordinance No. 03-2020 (to replace 01-2018)

Adopted this 23 day of June 2020

Randy Halstead
Randy Halstead, Town Chairman

Attest:

Theresa A Cain-Bieri
Theresa Cain-Bieri, Town Clerk-Treasurer

VOTE: Ayes 3 Noes 0

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