

**CITY OF MADISON LAKE, MINNESOTA  
ZONING ORDINANCE #2012-01**

STATE OF MINNESOTA  
COUNTY OF BLUE EARTH  
CITY OF MADISON LAKE

**WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS**

**BE IT ORDAINED** by the City Council of the City of Madison Lake, Minnesota, as follows:

A. Purpose:

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:

1. Facilitate provision of wireless communications services to the residents and businesses of the City;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Siting Criteria – In making siting decisions for new towers applicants should:

1. Be sensitive to location of tower near a densely settled residential area;
2. Be aware that the location of these facilities in Shoreland or Residential Districts is not permitted;

C. Location Requirements – All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

1. Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location. A narrative

describing a search ring of not less than one (1) mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

2. Provide documentation that the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building with the search ring of the service area due to one or more of the following reasons.
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional radio frequency (RF) engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost;
  - b. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented as a reasonable cost;
  - c. No existing or approved towers or commercial/industrial buildings within a one (1) mile radius meet the radio frequency (RF) design criteria;
  - d. Existing or approved towers and commercial/industrial buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified professional radio frequency (RF) engineer; and/or
  - e. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
3. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one (1) mile radius was made, but an agreement could not be reached.
4. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over 100 feet in height or for at least one additional user if

the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.

5. An agreement stating that the site will be signed for not less than three users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and City policy. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

D. Minimum conditions on an antenna tower permit should include, but not be limited to the following:

1. An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.
2. The tower shall be setback a minimum distance of one hundred ten (110) percent of the tower height from all property lines and/or right-of-ways. All accessory structures shall be setback a minimum of fifty (50) feet from all side yard and rear yard property lines and/or right-of-ways. All anchoring structures shall be setback at least ten (10) feet from all property lines and/or right-of-ways.
3. Zoning Permits shall be applied for and issued before any construction is started.
4. Prior to construction of a tower as allowed by a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
5. Applicant must obtain FCC licensure and approval as required for various communications applications. Interference with local television and radio reception will not be allowed. No wireless communications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operation communications devices including, but limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices. All applicants must furnish a state registered engineer's certification that no such interference will occur or indentify what interference may occur and how the applicant will mitigate any potential interference that may occur.

6. Applicant must submit proof of liability and Worker's Compensation Insurance.
7. Proof that towers and their antennas have been designed in accordance with the manufacturers specifications, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expense) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provision of the National Electrical Code.
8. Metal towers shall be constructed of, or treated with, corrosive resistant material.
9. The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall typically not be required.
10. All towers shall be protected against unauthorized climbing. The area around the base of the tower and guy wires anchors shall be enclosed by a fence with a minimum height of six (6) feet and a chain link fence with a locked gate. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.
11. All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting.
12. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer shall meet all applicable City, State and Federal regulations.
13. Towers and their antennas shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the FAA or other authority.
14. No part of any antenna or towers, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public

street, highway, or sidewalk, without approval by the City through the zoning permit approval process.

15. All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City Council. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers.
16. The City may require a financial plan that will identify the financial resources that will be available to pay for the removal of the towers. The City may require financial security in the form of a letter of credit, a cash escrow account, a performance bond, or other financial means acceptable to the City.

**Effective Date**

This ordinance shall take effect upon its passage and publication.

**Penalty**

Any person, firm, or corporation who violates any provision of this code shall be guilty of a misdemeanor. See City of Madison Lake Code §10.99.

**Adopted by the City Council of the City of Madison Lake, Minnesota this 5th day of March, 2012.**

Dated: 3-5-2012

  
Kenneth Reichel, Mayor

Dated: 3-5-2012

  
Kelly Steele, City Administrator