

## ARTICLE XXIV

### TELECOMMUNICATION FACILITIES AND TOWERS

#### SECTION 24.00 INTENT

The intent of this ordinance is to control and regulate telecommunications facilities and towers within Rollin Township for the following purposes:

1. To promote the growth and development of the township.
2. To stabilize and preserve property values.
3. To control and/or separate incompatible land use.
4. To control the location and rate of development of such facilities.
5. To minimize the environmental impact of telecommunication facilities and towers.
6. To require co-location of transmission and receiving apparatus on existing telecommunication towers and facilities unless it can be demonstrated by the applicant that co-location is not technically feasible; and require that new towers make provisions for co-location of additional users wherever technically feasible.
7. To require users of telecommunication towers and facilities to configure term in a way that minimizes the adverse visual impacts of the telecommunication towers and facilities through careful design, siting, landscape screening, minimized heights, and innovative camouflaging techniques.

#### SECTION 24.01 DEFINITIONS

##### 1. Public Utility

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm sewage facilities. Providing further, that telecommunication facilities shall not be considered a public utility under this Ordinance.

For the purposes of the Zoning Ordinance, telecommunication facilities shall not be considered a public utility or essential service, and telecommunication towers, antennas or monopoles shall be subject to all of the rules, regulations and provisions of Sections 24.02 and 24.03 of this Ordinance.

##### 2. Telecommunication Facilities and Towers

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services, which are licensed and marketed to the general public, except pre-emptions as stated in the Federal Telecommunications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

Notwithstanding any language contained in the Zoning Ordinance to the contrary, and in particular the definition of essential service, telecommunications towers and facilities shall not be deemed essential services and shall be subject to and governed by the provisions of Sections 24.02 and 24.03 No facility may hereafter be constructed or erected without satisfying the requirements of Sections 24.02 and 24.03

## SECTION 24.02 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES AND TOWERS

1. Applicant: The applicant for a permit to erect a telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas shall be the owner, tenant, lessee, or agent of one of the foregoing.
2. No applications for permits will be considered prior to the year 2000, which will begin a planning cycle of five-year intervals (2000/2005/2010 etc.).
3. Application: The application shall be submitted to the Township forty-five (45) days prior to submission of the application to the Planning Commission for approval and shall contain, in addition to any other information requested by the Planning Commission, the following information:
  - A. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 60 feet or more in height.
  - B. A diagram of the proposed site.
  - C. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen trees, a fence no less that six (6) feet tall, and the material out of which said fence shall be erected.
  - D. The proposed height of the telecommunication facility.
  - E. The location and size of all accessory buildings.
  - F. The type of construction of the telecommunication facility.
  - G. Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure; the report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design.
  - H. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
    1. Unwillingness of the owner to entertain a telecommunication facility proposal.
    2. Topographical limitations of the site.
    3. Adjacent impediments that would obstruct adequate telecommunication transmission.
    4. Physical site constraints that would preclude this construction of a telecommunication facility.

5. Technical limitations of the telecommunication system.

- I. A legal description of the property.
- J. The application shall be accompanied by a statement from a Michigan licensed professional engineer certifying that the tower is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.
- K. The base area of the telecommunication tower shall be determined by the setback requirements of the Ordinance. In no case shall the base of the tower intrude into the minimum setback requirements.
- L. All tower placements will be limited to Section 22, Rollin Township, Lenawee County, Michigan.
- M. All applications for the construction of telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review together with meeting all of the requirements of Sections 24.02 and 24.03.

4. Minimum Standards

- A. Telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be separated from residential dwellings by a distance of no less than two hundred (200) feet or the height of the tower plus ten (10%) per cent, whichever is greater. The setback distance shall be measured from the base of the tower to the lot line.
- B. All communication towers shall be inspected annually by a competent or licensed inspector to insure the structural integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Building Inspector on or before August 1 of each year.
- C. All telecommunication facilities shall be sited to have the least possible practical visual effect on the surrounding neighborhood.
- D. Telecommunication facilities shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority. If lights are required, only red lights can be used at night. No white lights shall be used between sunset and sunrise.
- E. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, and a row of trees at least eight (8) feet in height at the time of placement with ten (10) foot centers and a minimum height of thirty-five (35) feet.
- F. Minimum property line setbacks shall be thirty (30) feet plus the height of the telecommunication tower plus ten (10%) per cent of the height of the tower, or one hundred (100) feet, whichever is greater. Notwithstanding the foregoing language, no tower shall be located closer than 200' from the property line when the property or adjacent property is being used for residential purposes. Providing farther, that where a proposed tower will be located on a parcel of land surrounded on all four sides by agriculturally zoned property, the Planning Commission may in its discretion reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this

Ordinance, but in no event shall the setback be less than that required for structures erected in the Zoning District in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.

- G. The telecommunication facility shall conform to the ANSI standards for RF exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall provide proof of compliance with the ANSI standards.
  - H. The total square footage of an accessory building shall not exceed four hundred (400) square feet per user of the tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
  - I. Fuel tanks shall be buried or screened with landscaping, fencing, or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state laws.
  - J. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed State or local noise standards, and shall conform to recommended decibels standards adopted by the appropriate federal agency.
  - K. Metal towers shall be constructed of or treated with corrosive resistant material.
  - L. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
  - M. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
  - N. All parking and drive areas must be paved. However, the Planning Commission in its sole discretion may allow an alternate type of finish surface for the parking and drive areas in agricultural districts.
  - O. All telecommunication devices added to pre-existing facilities or towers must meet the requirements of this Ordinance, except that setback requirements shall not be applicable to such devices installed on non-conforming towers existing on the date Article XXIV was added to this zoning ordinance. All structures erected after the effective date of Article XXIV of this Ordinance shall meet all of the requirements of this Ordinance.
  - P. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
- 5. Abandonment: In the event the use of any telecommunication facility has been discontinued for a period of one hundred eighty (180) days the telecommunication facility shall be deemed to be abandoned. Upon abandonment the owner/operator of the telecommunication facility shall have an additional one hundred eighty (180) days within which to re-activate the telecommunication facility, or dismantle and remove the telecommunication facility.
  - 6. Federal, State and Local Rules, etc.: The owner or applicant of the telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication facility permit.
  - 7. Tower Space and Tower Rights. The applicant shall provide to Rollin Township tower space

and tower rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township. This includes civil defense uses such as ARES (Amateur Radio Emergency Service), ARPSC (Amateur Radio Public Service Core), REACT(Radio Emergency Associated Communications Teams), and any other government units that Rollin Township deems necessary or valuable for the public good.

8. Telecommunication facilities shall be subject to the provisions of Sections 24.02 and 24.03. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.
9. Bonds: The owner of a telecommunications facility shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove same within one hundred eighty (180) days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunications facility.
10. Transfer of Ownership: These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the facility is transferred to another person, partnership, corporation or any other entity.
11. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed Five Hundred (\$500.00) Dollars and/or imprisonment in the County Jail not to exceed ninety (90) days.
12. The application shall include the name of the backhaul provider if applicable.
13. The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant. Such design requirements may include but not be limited to camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring that the facility be so designed as to blend into the existing environs and background of the facility.

#### SECTION 24.03 SUPPLEMENTAL REGULATIONS

All wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:

1. A proposal for a new wireless telecommunication service tower shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within Rollin Township Section 22 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 and licensed Michigan professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.

- C. Existing or approved towers or buildings within Section 22, Rollin Township cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
  - D. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Any proposed wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow future rearrangement of antennas upon the tower to accept antennas mounted at varying heights. Sharing of antenna structures is encouraged to ensure that an entity cannot monopolize a desirable location and/or to minimize the placement in the Township of additional towers.
  3. The application shall include the name of the backhaul provider if applicable.
  4. The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant. Such design requirements may include but not be limited to camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring that the facility be so designed as to blend into the existing environs and background of the facility.

#### SECTION 24.04 USES REQUIRING SITE PLAN REVIEW AND APPROVAL

1. Public utility buildings and structures, including poles, towers, and telephone repeater buildings.
2. Telecommunications facilities and associated structures. Providing further, that site review of such projects may not be waived by the Township Building Inspector or Zoning Officer.
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4. Telecommunications facilities and associated structures. Providing further, that site review of such projects may not be waived by the Township Building Inspector or Zoning Officer.

Article XXIV approved by the Rollin Township Board July 11, 2001