

WIRELESS COMMUNICATION TOWER ORDINANCE

The Village of Edwardsburg ordains the installation/construction and maintaining regulation of the wireless communication towers or antennas.

- (A) **APPLICABILITY.** In all zoning districts in the Village of Edwardsburg, this ordinance shall apply to any installation or use of communication towers or antennas. Such installation or use shall be allowed upon the approval and permit issuance of the Planning Commission, and only if the installation or use comports with this ordinance.
- (B) **PURPOSE.** The purpose of this ordinance is to provide reasonable regulations for the installation or use of communication towers or antennas. The objectives are to:
- (1) Promote safe installation and use that will prevent injury to people and property;
 - (2) Promote the quality of life in the Village by protecting vistas, and minimizing sight lines that are esthetically or architecturally displeasing as measured by the local standard;
 - (3) Balance the interests of the public at large with the interests of those residents or businesses that wish to construct and/or maintain communication towers or antennas; and
 - (4) Regulate installation or use of communication towers or antennas in a manner that does not offend the Telecommunications Act of 1996 which is aimed in part at making it easier for cellular telephone companies to obtain permits.
- (C) **EXEMPTIONS.** Conventional V.H.F., U.H.F., AM, FM, satellite television, citizens band, or short-wave antennas, for residential use, shall be exempted from the requirements of this ordinance.
- (D) **GENERAL REQUIREMENTS.** Prior to the issuance of a permit under this ordinance, an applicant to install or use a commercial communication tower or antenna must comply with the following:
- (1) Applicant shall pay application fee of \$225.00 to defray the expenses to the Village of verifying compliance with this ordinance. Permit fee shall be 1% of the cost of the tower.
 - (2) The applicant must submit an accurately scaled site plan showing the proposed location and elevation of the antenna, buildings located on the site, roads, and natural features. In addition the site plan shall provide foundation and/or mounting details sufficient for the Village to determine safety and building code compliance, and compliance with this ordinance. The site plan must also include a landscape plan that screens the wireless communication support base and accessory buildings.

- (3) The placement and construction of any antenna/tower shall comply with all Federal, State and Local laws and codes with respect to safety, lighting, construction techniques, construction materials, and physical dimensions.
- (4) All antennas/towers not mounted on a principal or accessory building shall be permanently anchored to a foundation located on the ground.
- (5) No portion of the antenna or tower shall display any advertising message or other graphic representation other than a manufacturers logo or name plate, provided such logo or name plate is of a size and character that is not legible from adjacent properties.
- (6) All antennas/towers shall be of a color and texture so as to promote its visual blending into the adjacent background.
- (7) No antenna/tower shall be constructed in any front yard area and shall be constructed to the side or rear of the principal structure.
- (8) No antenna/tower shall be constructed closer than one hundred (100) feet from its leading edge to any property line.
- (9) All antennas/towers which are visible from adjacent properties, pedestrian traffic and/or vehicular traffic shall be screened by landscaping around the base of the structure in such a manner that the antenna is reasonably concealed as determined and required by the planning commission.
- (10) Ground-mounted satellite dish antennas shall not exceed a height of eighteen (18) feet or a diameter of ten (10) feet.
- (11) The towers shall be only allowed in commercially-zoned districts.
- (12) The applicant must make a reasonable amount of space available for emergency services use for the Village.
- (13) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and or allowed by the Federal Aviation Administration under CFR 14 part 77, as amended. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the village.
- (14) When the wireless communication facility has not been used for a period of six months by the applicant or their successor, the entire facility must be removed at the earliest reasonable time. The applicant shall provide the information necessary to the Planning Commission to determine the cost of removal of the facility and shall post a bond sufficient to cover the costs of removal of the facility.

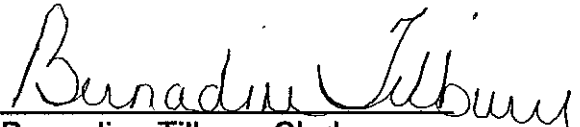
(E) UNCLASSIFIED USES. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the Village, and the spirit, purpose and intent of the zoning ordinance and master plan are not impaired by permitting such use at the proposed location. Shall be effective ten (10) days after adoption. Penalties and/or fines should not be more than one hundred dollars (\$100.00) or ninety (90) days of jail or both shall be posted pursuant to 7.5 of Village Charter.

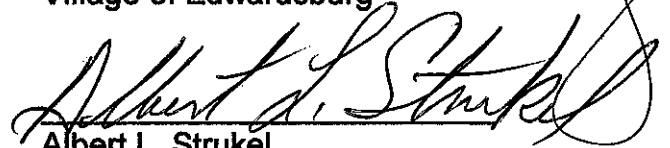
AYES:
NAYES:
ABSTAINED:
ORDINANCE DECLARED ADOPTED:

STATE OF MICHIGAN)
)SS:
COUNTY OF CASS)

I, the undersigned, the duly qualified and acting Clerk of the Village of Edwardsburg, County of Cass, State of Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Edwardsburg at a regular meeting held on the 19th day of March, 2001 the original of which ordinance is on file in my office.

IT WITNESS WHEREOF, I have hereunto set my official signature, this 19th day of March, 2001.


Bernadine Tilbury, Clerk
Village of Edwardsburg


Albert L. Strukel,
Village President