

# CHAPTER 19. TELECOMMUNICATIONS FACILITIES AND ANTENNAS

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## 📖 Section 1900 - Purpose

**1900.01 Purpose.** In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, the Hermantown City Council finds that the regulations of this chapter are necessary in order to:

**1900.01.1.** Facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Hermantown;

**1900.01.2.** Minimize adverse visual effects of towers through careful design and siting standards;

**1900.01.3.** Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

**1900.01.4.** 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.

(Ord. 2001-07, passed 8-6-2001)

## 📖 Section 1905 – Definitions

**1905.01 Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**1905.01.1.** “Antenna” means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

**1905.01.1.1.** “Antenna – building mounted” means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten feet tall and six inches in diameter, or structure other than a telecommunications tower.

**1905.01.1.2.** An “Antenna – directional” (also known as a “panel” antenna) transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

**1905.01.1.3.** “Antenna – ground mounted” means any antenna with its base, single or multiple posts, placed directly on the ground or a mast less than ten feet tall and six inches in diameter.

**1905.01.1.4.** An “Antenna – omni-directional” transmits and/or receives radio frequency signals in a 360 degree radial pattern. For the purpose of this chapter, an “omni-directional antenna” is up to 15 feet in height and up to four inches in diameter.

**1905.01.1.5.** “Antenna – parabolic” (also known as satellite dish antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured, that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include but is not limited to what are commonly referred to as satellite earth stations.

**1905.01.1.6.** “Antenna – portable” means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

**1905.01.1.7.** “Antenna – vertical” means a vertical type antenna without horizontal cross-sections greater than 1/2 inch in diameter.

**1905.01.1.8.** “Satellite dish or satellite antenna” means any device incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals. This definition includes antennas that are sometimes called “SES,” “TYRO,” “TVBS,” and “DBS.”

**1905.01.2.** “Commercial wireless telecommunication services” means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**1905.01.3.** “Commercial wireless telecommunication service facility” means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development.

**1905.01.4.** “Equipment building, shelter or cabinet” means a cabinet or building used by telecommunication providers to house equipment at a facility.

**1905.01.5.** “Lattice tower” means a self-supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

**1905.01.6.** “Mono-pole” means a wireless communication facility, which consists of a mono-pole structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

**1905.01.7.** “Public utility” means persons, corporations or governments supplying gas, electric, transportation, water, sewer, or land-line telephone service to the general public. For the purpose of this chapter, commercial wireless telecommunication service facilities shall not be considered “public utility” uses and are defined separately.

**1905.01.8.** “Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include but is not limited to cable, conduit and connectors.

**1905.01.9.** “Structure ridgeline” means the line along the top of a roof or top of a structure, if it has no roof.

**1905.01.10.** “Telecommunication facility” means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, other accessory development and related equipment.

**1905.01.11.** “Telecommunication facility – co-located” means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

**1905.01.12.** “Telecommunication facility – commercial” means a telecommunication facility that is operated primarily for a business purpose or purposes.

**1905.01.13.** “Telecommunications facility – exempt” means a telecommunication facility that is exempt from special use requirements. Such facilities include the following:

**1905.01.13.1.** A single ground- or building-mounted receive-only radio or television antenna, including any mast, for the sole use of the resident occupying a residential parcel on which the radio or television antenna is located, with an antenna height not exceeding 25 feet;

**1905.01.13.2.** A ground- or building-mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed 35 feet;

**1905.01.13.3.** A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed 35 feet;

**1905.01.13.4.** A ground- or building-mounted receive-only radio or television satellite dish antenna, which does not exceed 36 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located, provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel;

**1905.01.13.5.** All antennas operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this chapter;

**1905.01.13.6.** Mobile services providing public information coverage of news events of a temporary nature; and temporary antennas/towers for public service or club use in place for less than seven days;

**1905.01.13.7.** Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Zoning Administrator; and

**1905.01.13.8.** City government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic-control devices and signals, storm water, pump stations and/or irrigation systems, which existed at the time of the adoption of this chapter or with heights not exceeding 50 feet.

**1905.01.14.** “Telecommunication facility – multiple user” means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.

**1905.01.15.** “Telecommunications facility – non-commercial” means a telecommunication facility that is operated solely for a non-business purpose.

**1905.01.16.** “Telecommunications tower” means a mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground- or building-mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes, arrays, and the like shall be considered a “telecommunications tower.”

**1905.01.17.** “Amateur radio operator” means a person holding a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multinational license or permit recognized by treaty as valid in the United States.

**1905.01.18.** “Amateur Radio Services” means the radio communication services including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in 47 C.F.R. Part 97 and regulated thereunder.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1910 – Towers in Residential Zone Districts (R-1, R-2, R-3, R-3a, S-1)**

**1910.01 Towers in Residential Zone Districts (R-1, R-2, R-3, R-3a, S-1).** The construction of any type of telecommunications tower in a Residential Zone District is prohibited except as follows:

**1910.01.1.** Towers supporting amateur radio antennas and conforming to all applicable provisions of the Zoning Ordinance shall be a permitted use in all residential zoning districts, provided the following requirements are met:

**1910.01.1.1.** Such towers shall be allowed only in the rear yard in the R-3 Zone;

**1910.01.1.2.** Such towers shall not exceed 75 feet in height;

**1910.01.1.3.** Such towers shall conform to the accessory structure setback for the zone district in which it is located. Guy wires shall be set back no less than ten feet from property lines, unless there is written permission from adjacent owners;

**1910.01.1.4.** Bracketed towers attached to the principal structure in an R-3 Zone are allowed in the R-3 side yard; and

**1910.01.1.5.** Such towers in R-1 or S-1 Zones may be allowed in a side yard, provided there is adequate space to satisfy the setback requirements provided for in this chapter.

**1910.01.2.** Towers supporting amateur radio antennas and conforming to all applicable provisions of the Zoning Ordinance which exceed a height of 75 feet shall require a special use permit.

**1910.01.3.** City government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic-control devices and signals, storm water, pump stations and/or irrigation systems, exceeding a height of 70 feet, shall require a special use permit. Such towers shall conform to the accessory structure setback for the zone district in which it is located. Guy wires shall be set back no less than ten feet from property lines.

**1910.01.4.** Towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall require a special use permit and only in the following residentially zoned locations:

**1910.01.4.1.** Church sites, when camouflaged as steeples or bell towers. Antennas and all other associated structures shall also be camouflaged;

**1910.01.4.2.** Park sites, when compatible with the nature of the park; and

**1910.01.4.3.** Government, school, utility and institutional sites.

**1910.01.5.** Towers shall be set back from all property lines abutting property zoned or used for residential purposes no less than 50% of the tower height. Towers shall be set back from all property lines abutting non-residential property no less than 25% of the total tower height.

**1910.01.6.** No tower, the construction of which is permitted by this Section [1910](#), shall exceed 200 feet in height, except for amateur radio towers.

**1910.01.7.** Equipment buildings, shelters or cabinets shall comply with the principal building setbacks for the zone district in which they are located.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1915 – Towers in Industrial Zone Districts (M-1 and M-2)**

### **1915.01 Towers in Industrial Zone Districts (M-1 and M-2).**

**1915.01.1.** In all Industrial Zone Districts, towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed as a permitted use.

**1915.01.2.** The maximum height of any tower, the construction of which is permitted by this Section [1915](#), including all antennas and other attachments, shall not exceed 180 feet in height.

**1915.01.3.** Towers shall be set back from all property lines no less than 25% of the tower height, with a minimum setback of 20 feet. Towers shall be set back from all property lines abutting property zoned or used for residential purposes no less than 50% of the tower height.

**1915.01.4.** Equipment buildings, shelters or cabinets shall comply with the principal building setbacks for the zone district in which they are located.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1916 – Towers in Commercial (C) Zone District**

### **1916.01 Towers In Commercial (C) Zone District**

**1916.01.1** In the Commercial (C) Zone District, towers supporting commercial antennas and conforming to all applicable provisions of the Zoning Ordinance shall be allowed as a permitted use.

**1916.01.2** The maximum height of any tower, the construction of which is permitted by this Section 1916, including all antennas and other attachments, shall not exceed one hundred twenty feet (120’).

**1916.01.3** Towers shall be set back from all property lines no less than twenty-five percent (25%) of the tower height with a minimum set back of twenty feet (20’). Towers shall be set back from all property lines abutting property zoned or used for residential purposes no less than fifty percent (50%) of the tower height.

**1916.01.4** Equipment buildings, shelters or cabinets shall comply with the proposed building set backs for the zone district in which they are located.

(Am. Ord. 2012-06, passed 7-16-12)

## **Section 1920 – Co-Location Requirements**

**1920.01 Co-Location Requirements.** All commercial wireless telecommunication towers erected, constructed or located within the City shall comply with the following requirements:

**1920.01.1.** A proposal for a new commercial wireless telecommunication tower in excess of 100 feet in height shall not be approved unless the City finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two-mile search radius from the point of the proposed tower, or within a one-mile search radius for towers of 100 feet and lower in height or within a 1/2-mile search radius for towers 80 feet and lower in height, due to one or more of the following reasons:

**1920.01.1.1.** The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;

**1920.01.1.2.** The planned equipment would cause interference materially impacting the feasibility of other existing or planned equipment at the tower or building, as documented by a qualified and licensed professional engineer approved by the City, and the interference cannot be prevented at a reasonable cost;

**1920.01.1.3.** Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer approved by the City; and/or

**1920.01.1.4.** Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

**1920.01.2.** It shall be the responsibility of the applicant to provide, at no cost to the City, an inventory of available structures in the applicable search area to the City.

**1920.01.3.** 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 additional uses if the tower is over 100 feet in height, or at least for one additional use if the tower is 60 to 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 heights.

**1920.01.4.** The applicant is encouraged to allow the City access to the tower to enhance communications for its Police, Fire, Emergency Services and Street Department, provided that any attached communication equipment does not interfere with applicant's equipment.

**1920.01.5.** As a condition of approval, the applicant shall make available unutilized space, for co-location of other telecommunication facilities, including space for entities providing similar



competing services. A good-faith effort in achieving co-location shall be required by the host entity.

**1920.01.6.** Requests for utilization of facility space shall be made to the Zoning Administrator. Co-location will not be required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it becomes necessary for the host to go offline for a significant period of time.

**1920.01.7.** The host is entitled to reasonable compensation from any co-locator for the use of its facility. Such compensation would include reimbursement for the cost of constructing the facility as it relates to any co-locator as well as a proportionate share of any rents paid by the host.

**1920.01.8.** The failure of any applicant to make a good-faith effort to allow for co-location shall constitute a breach of its agreement with the City and shall authorize the City to disassemble the subject tower at applicant's cost.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1925 – General Location Standards**

**1925.01 General Location Standards.** All telecommunication facilities, except exempt facilities, shall be located so as to minimize their visibility and the number of distinct facilities present.

(Ord. 2001-07, passed 8-6-2001)

**1925.02 Measures.** To this end all of the following measures shall be implemented for all telecommunications facilities:

**1925.02.1.** No telecommunication facility shall be installed at a location where special painting or lighting will be required by FAA regulations unless technical evidence acceptable to the City is submitted showing that this is the only technically feasible location for the facility;

**1925.02.2.** No telecommunication facility shall be installed on an exposed ridgeline, a public trail, public park or other outdoor recreation area, or on property designated as Floodplain or Park, or Open Space, unless it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable, and a finding is made that no other location is technically feasible;

**1925.02.3.** No telecommunication facility that is readily visible from off-site shall be installed closer than 1/2 mile from another readily visible, uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the City is submitted showing a clear need for the facility and the infeasibility of co-locating it on one of the existing sites; and

**1925.02.4.** No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable, or technical evidence acceptable to the City is submitted showing a clear need for the facility and the unfeasibility of co-locating it on one of the existing sites.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1930 – Roads and Parking**

**1930.01 Roads and Parking.** All telecommunication facilities, except exempt facilities, shall be served by the minimum roads and parking areas necessary.

(Ord. 2001-07, passed 8-6-2001)

**1930.02 Measures.** To this end all of the following measures shall be implemented:

**1930.02.1.** Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the Fire Chief and the City Engineer.

**1930.02.2.** Existing parking areas shall, whenever possible, be used.

**1930.02.3.** Any new parking areas constructed shall comply with the parking standards established in the Hermantown Code of Ordinances.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1935 – Vegetation Protection and Facility Screening**

**1935.01 Vegetation Protection and Facility Screening.** All telecommunications facilities, except exempt facilities, shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary.

(Ord. 2001-07, passed 8-6-2001)

**1935.02 Measures.** To this end all of the following measures shall be implemented for all telecommunication facilities:

**1935.02.1.** A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site, any additional

vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas, and the type of vegetation to be restored in all areas that will be disturbed. The landscape plan shall be subject to review and approval by the Planning and Zoning Commission;

**1935.02.2.** Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter. To this end, the following measures shall be implemented:

**1935.02.2.1.** A tree preservation plan shall be submitted with the special use permit application or building permit;

**1935.02.2.2.** Grading, cutting/filling, and the storage/parking of equipment/vehicles shall be prohibited in landscaped areas; and

**1935.02.2.3.** All underground lines shall be routed such that a minimum amount of damage is done to tree root systems.

**1935.02.3.** All areas disturbed during project construction other than the access road and parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) according to the approved landscape plan;

**1935.02.4.** Any existing trees or significant vegetation, on the facilities site or along the affected access area, that die, shall be replaced with native trees and vegetation of a size and species acceptable to the Planning and Zoning Commission; and

**1935.02.5.** No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1940 – Environmental Resource Protection**

**1940.01 Generally.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources.

(Ord. 2001-07, passed 8-6-2001)

**1940.02 Measures.** To that end the following measures shall be implemented for all telecommunication facilities:

**1940.02.1.** Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;

**1940.02.2.** Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and

**1940.02.3.** Drainage, erosion and sediment controls shall be required as necessary to abate soil erosion and sedimentation of waterways. Structures and roads on slopes of 10% or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading. Natural vegetation and topography shall be retained to the extent feasible.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1945 – Noise and Traffic**

**1945.01 Construction and Operation Noise and Traffic.** All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails.

(Ord. 2001-07, passed 8-6-2001)

**1945.02 Measures.** To this end all of the following measures shall be implemented for all telecommunication facilities:

**1945.02.1.** Outdoor noise-producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times as a condition of the special use permit;

**1945.02.2.** Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 60 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 7:30 a.m. and 5:30 p.m.; and

**1945.02.3.** Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1950 – Visual Compatibility**

**1950.01 Design.** Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

(Ord. 2001-07, passed 8-6-2001)

**1950.02 Blend into Environment.** The facility shall be designed to blend with any existing supporting structure and shall not substantially alter the character of the structure or local area.

(Ord. 2001-07, passed 8-6-2001)

**1950.03 Disposal of Waste.** Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.

(Ord. 2001-07, passed 8-6-2001)

**1950.04 Visual Analysis.** A visual analysis, which may include photo montage, field mock-up or other techniques shall be prepared and submitted by or on behalf of the applicant in conjunction with an application for a special use permit or a building permit, which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1955 – Antennas Mounted on Roofs, Walls and Existing Towers**

**1955.01 Approval of Location.** The placement of wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Zoning Administrator, provided the antennas meet the requirements set forth herein, including height requirements, after a submittal of:

**1955.01.1.** A final site and building plan as required by the City; and

**1955.01.2.** A report prepared by a qualified and licensed professional engineer approved by the City indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

(Ord. 2001-07, passed 8-6-2001)

## 📖 Section 1960 – Construction Requirements

**1960.01 Blending into Environment.** Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging treatment, except in cases where the color is dictated by federal or state authorities. Materials employed shall not be unnecessarily bright, shiny or reflective and shall be of a color or type which blend with the surroundings to the greatest extent possible.

(Ord. 2001-07, passed 8-6-2001)

**1960.02 Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by federal or state authorities. When incorporated into the design or the tower, light fixtures, such as street lights, are permitted.

(Ord. 2001-07, passed 8-6-2001)

**1960.03 Signs.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(Ord. 2001-07, passed 8-6-2001)

**1960.04 Anti-Trespass Measures.** Sufficient anti-climbing measures must be incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2001-07, passed 8-6-2001)

**1960.05 Material Requirements.** All towers, masts and booms shall be made of non-combustible material, and all hardware, such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion, must be protected either by galvanizing or sherardizing after forming.

(Ord. 2001-07, passed 8-6-2001)

**1960.06 Building Permit.** A building permit must be obtained from the Hermantown Building Official prior to the commencement of construction and all work must be done strictly in accordance with the Building Code.

(Ord. 2001-07, passed 8-6-2001)

## 📖 Section 1965 – Abandoned or Unused Towers or Portions of Towers

**1965.01 Removal of Abandoned or Unused Towers or Portions of Towers.** Abandoned or unused towers or portions or towers shall be removed as follows:

**1965.01.1.** All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that the tower is not removed within 12 months or the cessation of operations at a site, the tower and associated facilities shall be deemed to be a hazardous building within the meaning of M.S. Section 463.15, as it may be amended from time to time, which may be removed by the City of Hermantown and the cost of removal assessed against the property owner and the property upon which the tower and facilities are located in the manner provided by M.S. Sections 463.15 to 463.26, as they may be amended from time to time.

**1965.01.2.** Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new application and/or request for variance if applicable.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1970 – Tower Height**

**1970.01 Measurement of Tower Height.** The height of tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop structure to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and the tower must meet the height restrictions set forth herein for the particular zone district.

(Ord. 2001-07, passed 8-6-2001)

## **Section 1975 – Process**

**1975.01 Building Permit Application.** It shall be unlawful for any person, firm or corporation to erect, construct and place, place or re-erect, replace, or repair any tower without first making application for a building permit to the Building Official. Upon review of the requested building permit application, it shall be determined by the Building Official after consultation with the Zoning Administrator, if a special use permit and/or site plan review is required.

(Ord. 2001-07, passed 8-6-2001)

**1975.02 Special Use Permit.** If a special use permit is required for a requested tower, the requirements of [Chapter 7](#) of these Zoning Regulations shall apply. In all cases where a conditional use permit is required, site plan review will also be required.

(Ord. 2001-07, passed 8-6-2001)

**1975.03 Site Plan Review.** If a special use permit is not required, but the tower is to be located in an Industrial Zone District, site plan review shall be required, and the provisions of [Chapter 8](#) of these Zoning Regulations shall apply.

(Ord. 2001-07, passed 8-6-2001)

**1975.04 Safety Information Requirements.** The applicant shall provide, at the time of application, sufficient information to indicate the construction, installation and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

(Ord. 2001-07, passed 8-6-2001)

**1975.05 Antenna Adjustment or Replacement.** Adjustment or replacement of the elements of an antenna already affixed to a tower or antenna shall not require a permit, provided that the replacement does not reduce the safety factor. The Building Official shall issue a decision related to the permit application upon review of all required materials listed in this chapter and shall respond to the request in an expeditious and reasonable time frame.

(Ord. 2001-07, passed 8-6-2001)

**1975.06 Application Fees.** Special use permit applications, site plan review applications and building permit applications shall be accompanied by payment of a fee as established by the City Council from time to time.

(Ord. 2001-07, passed 8-6-2001)