

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and
3. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. It is intended that Eau Claire County shall apply these regulations to accomplish the following:

1. Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Eau Claire County law enforcement, fire and emergency response network.
2. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Eau Claire County citizens.
3. Encourage the use of alternative support structures, co-location of new antennas on existing support structures and construction of support structures with the ability to locate at least 3 additional users (minimum of 4 total users required for each tower facility).
(Ord. 167-3, Sec. 1, 2023)

18.53.020 Definitions.

A. All definitions contained in Wis. Stat. § 66.0404(1) are hereby incorporated by reference.

B. All definitions in Subtitle XI. apply unless specifically defined in this section.
(Ord. 167-3, Sec. 1, 2023)

18.53.030 Siting and construction of telecommunications facilities and class 1 collocation.

A. Application Process.

1. A land use permit is required for the siting and construction of any new telecommunications tower or facility.
2. A written permit application must be completed by any applicant and submitted to the department. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. An original signature of the applicant, land owner, lessees and holders of easements.
 - c. Copy of the lease agreement that includes the legal description and amount of property leased.
 - d. A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.
 - e. Plans showing security measures such as, but not limited to, access, fencing and lighting.
 - f. The location of the proposed or affected support structure.
 - g. The location of the proposed telecommunications facility.

h. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

i. If the application is to construct a new telecommunications tower, a construction plan which describes the proposed tower and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

j. If an application is to construct a new telecommunications tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the tower attesting that collocation within the applicant's search ring would not result in the same service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the service provider.

k. A copy of the applicant's search ring used to select the proposed location and the applicant's existing services locations within Eau Claire County.

3. A permit application will be provided by the department upon request to any applicant.

B. Completed Applications. If an applicant submits to the department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the department shall consider the application complete. If the department does not believe that the application is complete, the department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

C. County Responsibilities. Within 90 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 90-day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application. Notify the applicant, in writing, of its final decision. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

D. Disapproval. The department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

E. Application of Setback/Fall Zone. If an applicant provides the department with an engineering certification showing that a telecommunications structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the department provides the applicant with substantial evidence that the engineering certification is flawed.