

ORDINANCE No. 540

AN ORDINANCE ADOPTING CHAPTER 15.23 OF THE MILLS MUNICIPAL CODE
PERTAINING TO WIRELESS COMMUNICATION SERVICES

WHEREAS THE TOWN OF MILLS, WYOMING is desirous of adopting regulations and construction standards pertaining to the construction, installation, maintenance and removal of wireless telecommunication services and related equipment within the Town; and

WHEREAS the Town of Mills, Wyoming is authorized by W.S. §15-1-103 (xli) to adopt ordinances, resolutions and regulations necessary for the health, safety and welfare of the town, including zoning regulations pertaining to the use of land and the location and construction of buildings and structures pursuant to W.S. § 15-1-601 et. seq.; and

WHEREAS the Town of Mills, Wyoming is authorized by 47 USC 332 to regulate the placement, construction and modification of commercial mobile wireless services, personal wireless services, unlicensed wireless services and common carrier wireless exchange access services.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

CHAPTER 15.32
WIRELESS TELECOMMUNICATION SERVICES (WTS)

§ 15.32.010 PURPOSE AND EXCLUSIONS:

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers, antennas and related equipment. The goals of this chapter are to:

- (A) Protect residential areas and land uses from the impacts of towers, antennas and related equipment;
- (B) Encourage the location of towers, antennas and related equipment in nonresidential areas;
- (C) Strongly encourage the joint use of new and existing tower sites as a primary option than construction of additional single-use towers;
- (D) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the community is minimal.
- (E) This Article excludes antennas used for non-commercial, residential family use such as residential satellite dishes, TV antennas and amateur radio antennas.

§ 15.32.020 DEFINITIONS

As used in this chapter, the following terms mean:

- (A) Accessory Use means a use dependent upon or pertaining to the principal use or main use. Such use must be incidental to the principal use or main use; and, (a) constitute a use which is secondary to significance to the principal or main use;

date of written notification.

- (B) To assure the removal of towers which have not been maintained or have been abandoned, a performance bond, cash, letter of credit, or other approved security shall be submitted for each tower. The amount of the bond, cash, letter of credit, or other approved security shall be based on an estimate provided by a contractor licensed in the state of Wyoming, who shall estimate the cost of removing the tower. All costs of preparing such estimation shall be paid by the applicant and the estimation shall be provided in writing and submitted with the application. There will be a ten percent contingency fee added to the contractor's estimate. In the event the owner shall fail to remove any tower not maintained or abandoned, as provided in this section, the town shall have the right to enter the premises and remove such tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied.
- (C) All towers shall be covered by a general liability insurance policy in an amount not less than five hundred thousand dollars.
- (D) The town reserves the right to enter upon and disconnect, dismantle or otherwise remove any tower or telecommunications facility should same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the mayor or his designee, such as natural or man-made disasters or accidents, when the owner of any such facility is not available to immediately remedy the hazard. The town shall notify any such owner of any such action within twenty-four hours. The owner and/or operator shall reimburse the town for the costs incurred by the town for action taken pursuant to this section.
- (E) To enable the town to keep accurate, up-to-date records of the placement of telecommunication towers and facilities within city limits, at the time the work on the facility or tower is completed, and before operation begins, the owner/operator of the tower shall submit documentation to the town's building department providing:
- 1) Certification in writing that the tower is structurally sound and conforms to the requirements of the town's building code and all other construction standards set forth by the town's code, federal and state law by filing, a sworn and certified statement by an engineer to that effect. The tower owner may be required by the town to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized. The certification must be based upon on-site physical inspection by an engineer certified by the State of Wyoming;
 - 2) The number of providers located on the tower, the type and use of any antenna located on the tower, and the name, address and telephone number of any owner, if there has been a change of ownership of the tower;
 - 3) An initial payment of a registration fee which shall be in addition to any franchise fee paid by owner or operator of the tower or facility, for all towers or facilities located within the town, shall be required and shall be submitted to town clerk at the time of submission of the documentation, as required in subsections (E)(1) and (2) of this section;
 - 4) An annual registration payment, which shall be in addition to any franchise fee paid by the owner or operator of the tower or facility, for all towers or facilities located within the town shall be required and submitted to the community development department no later than July 1st of each year, and shall include a written certification stating that the data submitted pursuant to subsection (E)(1) of this section is current as of the date of payment, and if not current, stating any changes therein. In the event the owner does not fulfill the annual registration requirement or

§ 15.32.040 Special Review Requirements

Applications for the construction or installation of new Wireless Telecommunication Facilities shall require a Special Review as set forth Chapter 18.16 of the Town of Mills Zoning Ordinance. A completed application and payment of an application fee are required prior to review.

§ 15.32.050 Site Plan Requirements

All applications for the construction or installation of antennae, towers and other equipment to provide commercial wireless telecommunication service are required to submit a site plan for approval by the town. In addition to the standard site plan requirements (as approved in Ordinance 513 of this code), the following information must be supplied with the site plan and prior to issuance of a building permit:

- (A) Site plan drawn to a one inch equals twenty feet scale.
- (B) The name, address, and phone number of the all proposed users and operators of the tower.
- (C) The location, size and height of all structures on the property.
- (D) Location of the nearest residential structure and all other structures within a radius equal to twice the height of the proposed tower or antenna.
- (E) A description of the proposed tower and antennas, and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting.
- (F) The general capacity of the tower, and information necessary to assure that ANSI and all structural standards are met including loads for wind and ice.
- (G) The number and positioning of guy wires and antennas.
- (H) The actual intended transmission and the maximum effective radiated power of the antenna(s).
- (I) Certification that the proposed antenna(s) will not cause interference with other telecommunication devices.
- (J) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.
- (K) The type, locations and dimensions of all proposed and existing landscaping and fencing.
- (L) Site plans must show the locations for at least two equipment buildings, even if the tower is proposed for a single user.
- (M) For towers that are one hundred feet or greater in height above the ground, a visual study depicting the zone within a three-mile radius, where any portion of the proposed tower could be seen.
- (N) Each applicant must provide an inventory of its existing towers and antennas within the Town and within a fifteen mile radius of the proposed facility and provide specific information verifying the need for the proposed facility.
- (O) The Town may, at its sole option and discretion seek the assistance of any qualified expert in determining whether to approve any application, and all costs and expenses incurred in connection with such consultation or expert opinion shall be paid by the applicant within thirty days of receiving notice of such costs

electronic transmission from satellites or other sources, shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the chief building official may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding property owners.

- (D) In order to protect the public from the unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation indicating that the power density levels do not exceed federally approved standards, FCC emission regulations or American National Standards Institute (ANSI) standards, whichever provides stricter requirements.
- (E) Maximum tower heights shall be 70 feet in E-R, D-R, D-MH, Planned Unit Development (PUD), Public Land-Institutions (PLI), and Business districts. Maximum tower height shall be limited to 100 feet in the Established Industrial (E-I) district and 200 feet in the Developing Industrial (D-I) district. (See Table 15.32.070)
- (F) Towers may not be located on top of buildings or structures in any residential district. In nonresidential districts, towers are permitted on top of buildings or structures (which are not tower accessory structures). The top of such towers shall not be more than thirty percent of the building height above the building, nor shall be seventy feet above the building, whichever is less. (See Table 15.32.070)
- (G) The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a landscaped buffer developed in accordance with Ordinance 514 of this title. Towers and antennas shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

**Table 15.32.030
TOWER REGULATIONS SUMMARY**

Zone	Maximum Height	Plan Com Review	TC Approval	On Top of Buildings
E-R, D-R, MAXIMUM	70'	SRU/Site Plan	SR/Site Plan	NP
PUD	70'	SR/Site Plan	SR/Site Plan	PUD/Site Plan
PLI	70'	SR/Site Plan	SR/Site Plan	30 percent of building ht. (up to 70')
E-B, D-B	70'	SR/Site Plan	SR/Site Plan	30 percent of building ht. (up to 70')
E-I	100'	SR/Site Plan	SR/Site Plan	30 percent of building ht. (up to 70')
D-I	200'	SR/Site Plan	SR/Site Plan	30 percent of building ht. (up to 70')

NP = Not permitted (prohibited)

NA = Not applicable

PUD = Planned Unit Development

MAXIMUM HEIGHT = Maximum height permitted without a Variance