

Door County Telecommunication Regulations

a comparison of the old and new regulations

MUNICIPAL EDUCATIONAL/DISCUSSION MEETING

OCTOBER 29TH, 2015

Introduction

- Old regulations: *Door County Telecommunications Ordinance*
- New regulations: *Door County Communications Support Structures and Related Facilities, Chapter 14, Door County Zoning Ordinance*
- Only three relatively minor new regulations in the new ordinance compared to previous.
- Biggest change is the removal of an exemption for wireless internet service provider towers under 125' in height.

Introduction

- Regulations apply only within the fourteen towns in Door County.
- Towns have the same authority as the county to adopt a communications ordinance and may do so at any time.
- If a town adopts its own communications ordinance, those regulations supersede county's regulations.

History of Telecommunication Regulations

- 1995 – Door County adopts telecommunication regulations as part of zoning ordinance
- 1996 – federal Telecommunications Act; prohibits municipalities from discriminating between different types of communication providers
- 2004 – Door County adopts stand-alone telecommunications ordinance; exempts towers less than 75' in height from ordinance requirements

History of Telecommunication Regulations

- 2013
 - County regulations amended, increasing height exemption to less than 125' for wireless internet service providers only
 - **Determined later this was not in accordance with Telecommunications Act of 1996.**
 - 2013 – 2015 state budget bill creates new statutes governing how municipalities may regulate communication towers; county's ordinance becomes obsolete.

History of Telecommunications Regulations

- October 2014 to September 2015 – Resource Planning Committee (RPC) discusses regulatory options with local interested companies present.
 - six public meetings - proposed regulations discussed at length
 - height exemption for wireless internet service provider towers less than 125' removed to become compliant with Telecommunications Act of 1996
 - public hearing held regarding proposed ordinance, followed by two public meetings to discuss proposed changes
- September 29th, 2015 – Door County Board of Supervisors adopts modified version of proposed ordinance; effective November 9th, 2015

Comparison of Old and New Regulations

Regulations less restrictive:

- Towers are now allowed in all zoning districts (except wetlands)
- Elimination of or reduced setbacks
- Public hearings no longer required
- Outside engineering review by county no longer required (cost savings of \$1,500)
- No lighting requirements
- Co-location and site sharing no longer required

Comparison of Old and New Regulations

Regulations same or similar:

- Application requirements
- Ability to finance removal of tower
- No interference with critical communication corridors
- Evidence of inability to co-locate upon another tower

Comparison of Old and New Regulations

Regulations same or similar:

- Fees
 - same (\$500) for new towers and major modifications to existing towers
 - increase from \$50 to \$100 for minor modifications to existing towers
- Engineering report - costs approximately \$350; subsequent applications for the same tower type do not need a new stamp
- “No hazard” assurance from the Federal Aviation Administration (FAA)

Comparison of Old and New Regulations

Regulations more restrictive:

- Requirement for general liability insurance
- Provision to county of FCC license and registration numbers
- Notification of airports within five miles of proposed tower

Comparison of Old and New Regulations

One new regulation, but not new to tower development process:

Environmental review by the Federal Communications Commission (FCC) – tower developer needs to check/comply with FCC regardless of existence of ordinance or not.