

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XI
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1139. WIRELESS COMMUNICATION FACILITIES AND TOWERS:

A. INTENT

The changing technology in the field of communication has resulted in reliance upon more versatile convenient forms of communication. Businesses, individuals and government have developed a strong dependence upon ability to quickly contact others. Uses of radios and cellular phones have proven themselves in emergency situations.

Therefore, in recognition of the fact that the promotion of public safety and general welfare of residents of Riley Township the township requires reasonable control of communication towers and facilities within its boundaries.

Riley Township also finds that a coordinated system of towers is in the best interests of land use and the public health, safety and welfare.

B. DISTRICT REQUIREMENTS

1. Municipal property must be considered as the First (1st) option for new wireless communication towers. Municipal property is not limited to the number of cell towers that may be located on the municipal property. Municipal property shall be subject to the seventy-five (75') foot setbacks from property lines only. All other setback requirements do not apply to municipal property towers.
2. Wireless communication facilities and towers are allowed in the AR, RC, and the EC Districts subject to site plan review (Article 9; Section 913) and Special Approval Use (Article 11; Section 1101 through Section 1109).
3. A Certified Survey is required prior to issuance of special approval use from the Township.

C. MINIMUM STANDARDS

1. The carrier, contractor, and or applicant shall demonstrate and justify the need for a tower, the proposed location, and demonstrate why collocating on an existing tower is not feasible.
2. All towers shall be of the freestanding monopole type, or the newer technology available, whenever possible and designed and constructed so as to accommodate collocating.
3. The use of guy wires is strictly prohibited.

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4. The tower compound shall have a chain link fence which is a minimum of eight (8') feet completely surrounding the equipment, topped by three strands of barbed wire on top to prevent access, and a six (6') foot shrub screening surrounding the fence.

D. MINIMUM DESIGN STANDARDS

1. Height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant but shall not exceed three hundred (300') feet from grade.
2. The fence or any other structures associated with the tower shall meet the setbacks of the zoning district in which it is located. The tower shall maintain a minimum of seventy-five (75') foot setbacks from property lines and a minimum of three hundred (300') feet to an existing residential dwelling on adjacent property. Erection of a residential building within the above restricted distance of a previously erected cellular tower shall not render the wireless communication tower non-conforming.
3. Accessory structures are limited to uses associated with the operation of the tower.
4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
5. The plans of the tower construction shall be certified by a registered structural engineer.
6. All towers must meet the standards of the governing government agencies P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011. Prior to issuance of construction permits, copies of these approvals and/or license must be filed with the Township.
7. Metal towers shall be constructed of, or treated with, corrosive resistant material.
8. Towers shall comply with all local, and/or state applicable building and/or construction code.
9. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be buried underground.
10. Towers shall not be artificially lighted unless required by the governing government agencies (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and orientated inward so as not to project onto surrounding property. STROBE LIGHTS SHALL NOT BE USED. The owners or lessee

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will, when requested by the Township, demonstrate that they are in compliance with these regulations.

11. Underground utilities are preferred.

E. PERFORMANCE STANDARDS

1. When a wireless communication structure has not been used for a period of ninety (90) consecutive days, or ninety (90) days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and eighty (180) days. This includes any accessory equipment and fencing. The base of any tower and/or support anchors shall be removed to a point twelve (12') feet below grade and the excavation filled with suitable soil, then covered with top soil and re-seeded. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Riley Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure.
2. Removal costs shall be the responsibility of the property owner and the lessee.
3. If the support structure is painted, the color will be a light color, such as, but not limited to gray or light blue.
4. Written assurances by the applicant, and/or lessee that the facility complies with all current State and/or Federal regulations concerning nonionizing electromagnetic radiation, and the applicant and/or lessee further agrees in writing that if more restrictive State and/or Federal regulations are adopted during the operating life of the facility, the applicant and/or operator shall commence efforts to bring the facility into conformance with such standards within sixty (60) days of the adoption of such standards, and the applicant and/or lessee agrees that they shall bear the costs of testing and verification of compliance with all such standards.
5. The owner, and/or lessee of an existing wireless telecommunications support structure in the Township, which possesses unused attachable space for the collocation of an additional antenna or antenna array shall allow the attachment of another wireless telecommunications antenna or antenna array by another wireless provider who desires to provide their service within the service area of the support structure. The owner and/or lessee of the existing support structure shall not therefore discourage the attachment of additional service antennas or antenna arrays to the support structure by demanding unreasonable rates, terms or conditions for attaching services. The owner, and/or lessee of an existing support

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structure may establish the rates, terms, or conditions for attaching services, but such rates, terms or conditions shall be just and reasonable.

6. Copies of routine safety inspections that are performed shall be filed with the Township.