

Minnesota Code Book 2023 Additions and Changes to City Ordinances

Public Hearing

April 14, 2025 ~ 6:30 p.m.

Wykoff Council Room

106 N. Gold St.

Wykoff, MN 55990

Title V: Public Works **(REMOVED)**
Chapter 51 Sewer Regulations
Ordinance #51.07.1 INI (Inflow and Infiltration Compliance) and Application

Title X1: Business Regulations
Chapter 114 Cannabinoid Ordinance
Ordinance #114.1 – Regulate Cannabis Businesses
Business Registration Form

Title XV Land Usage
Chapter 150 General Provisions
Ordinance #151.07 - Telecommunications Towers

By Order of the Wykoff City Council
Rebecca Schmidt, City Administrator
Dated March 10, 2025

SUMMARY OF ORDINANCES

Title XI Business Regulations

Ordinance #114 Cannabinoid Ordinance (See attached ordinance and Cannabis Business Registration Form)

The council at their March 10, 2025 regular council meeting voted to bring the Ordinance #114 to another public hearing as it was presented on March 10, 2025

Title XV Zoning

Ordinance #150.07-150.22

Telecommunication Towers

Recently the city was contacted by a company that wishes to put a tower in Wykoff. As the city did not have a current ordinance it was deemed necessary to adopt this model.

From Start to License: Your Path to Cannabis Licensing in Minnesota

Before you begin:

1. Were you verified as a social equity applicant? If so, decide if you will apply for a social equity-classified license.
2. What license type will you apply for? What endorsement(s) will you need to obtain?
3. Talk to your local government about zoning requirements and local retail registration availability (if applicable).

Start here!

Step 1. Complete your application

Create your account in Accela, OCM's business licensing system.

Review the Cannabis Business License Application Review and Qualifications Guidance.

Prepare your required application documents.

Begin your application. Fill in all required information and attach required documentation when prompted.

Pay your application fee.

Step 3. Final submissions, site registration, local government approval

Applicants have 18 months to complete Steps 3-5.

Secure your business location.
Be sure to communicate with your local government during this process!

Submit final application documents to OCM including site information.

OCM sends your application to your local government for zoning compliance approval.**

Your local government confirms that your business location meets all zoning regulations and other local rules and ordinances.

Step 4. Pre-licensure inspection

Your business undergoes a full pre-licensure inspection by OCM and partner agencies.

You pass the inspection!
You are now a **pending licensee**.

Step 5. License issuance

Pay the initial license fee.

OCM issues your cannabis business license.

You are now a **licensee** and may begin operations.***

Step 2a. Uncapped license approval

Your application passes! You are now a **qualified applicant**.

OCM reviews your application for minimum qualifications.

Step 2b. Capped license approval

Your application passes! You are now entered into a randomized lottery selection.

Your application is chosen in the lottery! You are now a **qualified applicant**.

* Microbusinesses with fewer than 10 employees do not need to provide a labor peace agreement.

** Your application cannot proceed and your business cannot open until your local government certifies that your business meets zoning compliance!

*** For those seeking to conduct retail activities, you must get retail registration from your local government directly (in addition to your license) before beginning cannabis sales.

Learn more about the licensing process at
mn.gov/ocm/businesses/licensing



CHAPTER 114: CANNIBINOID ORDINANCE

- Section 114.01 Administration
- Section 114.02 Registration of Cannabis Business
- Section 114.03 Requirements for a Cannabis Business
(Time, Place, Manner)
- Section 114.04 Temporary Cannabis Events
- Section 114.05 Use of Cannabis in Public

AN ORDINANCE OF THE CITY OF WYKOFF TO REGULATE CANNABIS BUSINESSES

The city council of Wykoff hereby ordains:

Section 114.01 Administration

(A) Findings and Purpose

The City of Wykoff makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes The City of Wykoff to protect the public health, safety, welfare of Wykoff residents by regulating cannabis businesses within the legal boundaries of Wykoff.

Wykoff finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Wykoff, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in public interest and for the public good.

(B) Authority & Jurisdiction

Wykoff has the authority to adopt this ordinance pursuant to:

- (1) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- (2) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (4) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of Wykoff.

(C) Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(D) Enforcement

The Wykoff City Council is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

(E) Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meaning in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzo businesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, lower-potency hemp edible retailers.
4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the City of Wykoff a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 114.02 Registration of Cannabis Businesses

A. Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within Wykoff without first registering with Wykoff City Clerk's Office).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

B. Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Wykoff shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration & Application Procedure

1. Fees.

City of Wykoff shall not charge an application fee.

A registration fee, as established in Wykoff's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by Wykoff shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2. Application Submittal.

The City of Wykoff shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- i. An applicant for a retail registration shall fill out an application form, as provided by the City of Wykoff. Said form shall include, but is not limited to:
- ii. Full name of the property owner and applicant;
- iii. Address, email address, and telephone number of the applicant;
- iv. The address and parcel ID for the property which the retail registration is sought;
- v. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

3. The applicant shall include with the form:

- i. the registration fee as required in [Section 2.3.1];
- ii. a copy of a valid state license or written notice of OCM license preapproval;
- iii. Insurance Documentation
- iv. Once an application is considered complete, the Wykoff City Clerk's office shall inform the applicant as such, process the application fees, and forward the application to the Wykoff City Council for approval or denial.
- v. The application fee shall be non-refundable once processed.

4. Application Approval

- i. (Optional)* A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- ii.* A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- iii.* A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

5. Annual Compliance Checks.

The City of Wykoff shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24]

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

6. Location Change

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of Wykoff, it shall notify the Wykoff City Clerks office of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

7. Renewal of Registration

The city of Wykoff shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by The city of Wykoff.

A cannabis retail registration issued under this ordinance shall not be transferred.

The City of Wykoff may charge a renewal fee for the registration starting at the second renewal, as established in Wykoff's fee schedule.

8. Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- 1. Items required under Section 2.3.2 of this Ordinance.
- 2. Insurance information

9. Suspension of Registration

a. *When Suspension is Warranted.*

The City Council may suspend a cannabis retail business's registration if it violates the ordinance of the city of Wykoff or poses an immediate threat to the health or safety of the public. The Wykoff Clerk's Office shall immediately notify the cannabis retail business in writing the grounds for the suspension.

b. *Notification to OCM.*

The City of Wykoff shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Wykoff and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

c. *Length of Suspension.*

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Wykoff may reinstate a registration if it determines that the violations have been resolved.

The City of Wykoff shall reinstate a registration if OCM determines that the violation(s) have been resolved.

d. *Civil Penalties.*

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Wykoff may impose a civil penalty, as specified in the Wykoff Fee Schedule, for registration violations, not to exceed \$2,000.

Limiting of Registrations

e. *Limitations*

The City of Wykoff shall limit the number of cannabis retail businesses to three (3).

Section 3. Requirements for Cannabis Businesses

114.03.1 Minimum Buffer Requirements

The City of Wykoff shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The City of Wykoff shall prohibit the operation of a cannabis business within 500 feet of a day care.

The City of Wykoff shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

Zoning and Land Use

114.03.2 ***Cultivation.***

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

Ag Zoned

1. *Cannabis Manufacturer.*

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

2. Commercial Zone

a. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

3. Commercial Zone

a. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

4. Commercial

a. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

5. Commercial Zone

a. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

6. Commercial Zone

a. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

7. Commercial Zone

A. Hours of Operation

- *Monday-Saturday: 8 a.m.-1 a.m. the following day*
- *Sunday: 10 a.m.-1 a.m.*

B. Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by Wykoff's sign ordinances.

Section 4. Temporary Cannabis Events

114.04.1 License or Permit Required for Temporary Cannabis Events

a. License Required.

A license or permit is required to be issued and approved by City of Wykoff prior to holding a Temporary Cannabis Event.

b. Registration & Application Procedure

A registration fee, as established in Wykoff's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

c. Application Submittal & Review.

The City of Wykoff shall require an application for Temporary Cannabis Events.

1. An applicant for a retail registration shall fill out an application form, as provided by the City of Wykoff. Said form shall include, but is not limited to:
2. Full name of the property owner and applicant;
3. Address, email address, and telephone number of the applicant;
4. Insurance Documentation

ii. The applicant shall include with the form:

1. the application fee as required in (Section 4.114.04 b
2. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the city of Wykoff, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

1. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the Wykoff city council for approval or denial.
2. The application fee shall be non-refundable once processed.

Section 5.

114.05 Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

City of Wykoff

106 N Gold Street

Wykoff, MN 55990

Cannabis Business Registration

Type of Registration (Select all that apply)

☐
☐
☐
☐
☐
☐
☐

Cultivator- \$500
Delivery Service- \$250
Event Organizer- \$375
Manufacturer- \$500
Mezzobusiness- \$500
Microbusiness- \$500
With On Site Consumption

☐
☐
☐
☐
☐
☐
☐

Retailer- \$500
Testing Facility- \$500
Transporter- \$250
Wholesaler- \$500
Low-Potency Manufacturer- \$500
Low-Potency Retailer- \$125
With On Site Consumption

Minnesota Tax ID:

Federal Tax ID:

Office of Cannabis Management ID:

Business Information

Legal Name

DBA

Business Address

Mailing Address

Phone Number

Business Email

Manager Information

Additional Manager (if applicable)

Name

Name

Address

Address

Phone

Phone

Email

Email

Applicant Information

Owners Full Name (First, Middle Last)

Home Address

Date of Birth

Phone Number

Other names known by

Street addresses lived at during the past five years:

Dates lived at this address:

City of Wykoff
106 N Gold Street
Wykoff, MN 55990

Cannabis Business Registration

Applicant Information Cont.

Type, name and location of business and jobs during the past five years:

Physical Description of Applicant:

Partnerships and Corporations

Partner/Officer Name (First Middle Last)	Home Address	Date of Birth
Partner/Officer Name (First Middle Last)	Home Address	Date of Birth
Partner/Officer Name (First Middle Last)	Home Address	Date of Birth
Partner/Officer Name (First Middle Last)	Home Address	Date of Birth
Partner/Officer Name (First Middle Last)	Home Address	Date of Birth

If there are more than five partners or officers, please attach as a list.

Required Attachments:

- Certificate of Liability Insurance
- Proof of Worker's Compensation Insurance Coverage
- Copy of lease agreement, if business location is not owned by the applicant

City of Marshall Ordinance pertaining to Cannabis Registration: <https://bit.ly/3XJE9S8>



City of Wykoff
106 N Gold Street
Wykoff, MN 55990

Cannabis Business Registration

Consent of the Release of Information

City of Marshall Ordinance 6-51 requires that all applicants be checked for violations of federal or state law or of municipal ordinances.

The following named individual has made application with the City of Marshall.

Name (First, Middle, Last):

Maiden/Former Name:

Date of Birth:

Gender:

Driver License/I.D. Number:

DL/ID State of Issuance:

I authorize the City of Marshall Police Department to disclose all applicable criminal history record information to the City of Marshall. The data on this form will be used to approve your license. Some requested data is private. Private data is available to you and the City or State staff who need this information to perform their duties but is not available to the public. You are not legally required to provide this data, but the City may not be able to approve your license if you do not provide it. I have read from the City of Marshall a copy of Marshall City Code, Chapter 22-VIII (Cannabis Licensing and Registration) and will familiarize myself with the provisions contained within them.

I declare, under penalty of perjury, that the information I have provided on this application is truthful and I understand that falsification of answers on this application will result in denial of the application. I authorize the City of Marshall Police Department to investigate and make inquiries that are necessary to verify the information provided.

Applicant Signature

Date

City of Wykoff

106 N Gold Street

Wykoff, MN 55990

Cannabis Business Registration

PUBLIC SAFETY REVIEW

By:

Director of Public Safety or Designee

Date

§ 150.07 TELECOMMUNICATION TOWERS PURPOSE AND INTENT.

The purpose and intent of this subchapter is:

- (A) To establish predictable and balanced regulations that protect the public health, safety, and general welfare of the city;
- (B) Facilitate the provision of telecommunications services and facilities, including commercial wireless telecommunication services in the city;
- (C) Minimize adverse visual effects of towers through careful design standards;
- (D) Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements; and
- (E) Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the city.

§ 150.08 PERMITS REQUIRED.

It shall be unlawful for any person, firm, or corporation to erect, construct in place, place, or re-erect any tower, unless it shall replace a like tower, without first making application to the city and securing a permit. A change in construction, dimension, lighting design, or design type shall also require a permit. The placement of antennas on previously approved towers may be administratively approved by the city.

§ 150.09 TOWER AND ANTENNA DESIGN REQUIREMENTS.

Proposed or modified towers and antennas shall meet the following design requirements.

- (A) Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
- (B) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
- (C) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
- (D) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- (E) Metal towers shall be constructed of, or treated with, corrosive resistant material.

§ 150.10 TOWER SETBACKS.

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements.

- (A) The minimum setback from the boundary of the property on which the telecommunication tower is located shall be the principal building setback for the zoning district or the "fall Zone" as certified by a registered professional engineer licensed in Minnesota, whichever is greater. If the "fall zone" establishes the setback, then the required certification shall be filed with the Zoning Committee at time of site plan review. No habitable structures or places where people gather shall be located within any "fall zone."
- (B) Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right-of-way.

(C) Suitable protective anti-climbing fencing, with a minimum height of six feet, shall be provided around any tower and guy wires.

§ 150.11 TOWER LOCATION.

Towers less than 200 feet in height shall be located a minimum of one-half mile from the end of an airport clear zone as measured from the center point of the base of a freestanding tower. Towers that are 200 feet or more in height shall be located at a distance of at least three miles from any public or private airport.

§ 150.12 CO-LOCATION REQUIREMENTS.

All commercial wireless telecommunication towers erected, constructed, or located within the city shall comply with the following requirements.

(A) Documentation of the area to be served, including maps demonstrating the size of communication cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one mile radius clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or co-locations.

(B) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons.

(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 equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer, and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers and buildings within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer.

(4) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(C) Any proposed 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 users if the tower is over 99 feet in height, or for at least one additional user if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varying heights.

(D) An agreement stating that the site will be designed for not less than three users with applicant and property owner commitment to collocation, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

§ 150.13 ANTENNAS MOUNTED ON EXISTING BUILDINGS OR TOWERS.

The placement of telecommunication antennas, including wireless telecommunication antennas on existing buildings, towers, or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the city as part of the land use permitting process. Where a tower is non-conforming due to the requirements of this section, additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.

§ 150.14 ACCESSORY UTILITY BUILDINGS.

All buildings and structures accessory to a tower shall:

(A) Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district; and

(B) Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

§ 150.15 TOWER LIGHTING.

A tower shall not be illuminated by artificial means and shall not have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

§ 150.16 ABANDONED OR UNUSED TOWERS.

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 a tower is not removed within the 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

§ 150.17 PUBLIC SAFETY TELECOMMUNICATIONS INTERFERENCE.

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the Planning and Zoning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least ten calendar days in advance of any changes and allow the city to monitor interference levels during the testing process.

§ 150.18 SIGNS AND ADVERTISING.

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

§ 150.19 NON-CONFORMING TOWERS.

(A) In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to non-conforming towers. Telecommunication towers in existence at the time of this chapter may be permitted to increase tower height after being issued a conditional use permit.

(B) The Zoning Commission shall consider the following criteria as part of the conditional use permit process:

- (1) Tower safety concerns, including tower collapse, falling ice, and airplane traffic;
- (2) Land use character and history of tower(s);
- (3) Comparative visual impact to the surrounding lands of the proposed tower height increase;
- (4) Disturbance or conflict with agricultural uses on the property; and
- (5) Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

§ 150.20 SCREENING AND LANDSCAPING REQUIREMENT.

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six feet in height by the end of the second growing season. Gravel or other durable surface, or other weed prevention measures, shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

§ 150.21 ADDITIONAL SUBMITTAL REQUIREMENTS.

In addition to the information required elsewhere, applications shall include the following information:

- (A) A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
- (B) A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;
- (C) The location of all public and private airports within a three-mile radius of the tower site;
- (D) Applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed;
- (E) Applicant must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;
- (F) An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems, only if that is the basis for not co-locating;
- (G) The applicant must submit proof of liability and worker's compensation;
- (H) For towers over 500 feet, an environmental assessment worksheet (EAW) is required, and the applicant shall be responsible to provide the city with all information required to complete the EAW prior to the issuance of a permit from the city; and
- (I) The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of 36 inches below existing grade, and to restore the site. Failure to remove the structure shall be cause for the city to remove the tower and associated equipment at the expense of the property owners.

§ 150.22 TOWERS NOT REQUIRING A PERMIT.

Permits are not required for the following:

- (A) A satellite earth station antenna four feet in diameter or less, located in an industrial or commercial district, meeting required setbacks;
- (B) A satellite earth station antenna three feet or less in diameter, meeting the required setbacks; or
- (C) A tower less than 50 feet, as measured from the ground.