

Title 5BUSINESS LICENSES AND REGULATIONSChapters:

- 5.04 Community Antenna Television Systems
- 5.05 Wireless Communication Facilities
- 5.08 Solicitors, Peddlers and Itinerant Merchants

Chapter 5.04COMMUNITY ANTENNA TELEVISION SYSTEMSSections:

- 5.04.010 Defined.
- 5.04.020 Permit--Required.
- 5.04.030 Permit--Application.
- 5.04.040 Permit approval--Conditions.
- 5.04.050 Construction regulations.
- 5.04.060 Violation--Penalty.

5.04.010 Defined. "Community antenna television system" as used in this chapter means any facility which receives directly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service; but such term shall not include any facility which services only the residents of one or more apartment dwellings or office buildings under common ownership, control or management. (Ord. 8-1981 §1(part), 1981: prior code §3-4-1(part))

5.04.020 Permit--Required. No person, firm, corporation or organization shall install, operate and maintain a community antenna television system within all or any portion of the town without first obtaining a permit therefor from the board of trustees. (Ord. 8-1981 §1(part), 1981: prior code §3-4-1(part))

5.04.030 Permit--Application. Application to install, operate and maintain a community antenna television system shall be made by the person, firm, corporation or organization, or their duly designated agent to the board of trustees. Such application shall contain the following information:

- A. The name and address of the applicant, and should the applicant be a corporation, the names and addresses of all officers and directors of such corporation;
- B. An outline of the general installment construction and operation plans of the applicant;
- C. A schedule of rates and charges for all services;
- D. A proposed schedule for the construction of the system and the commencement of service;
- E. A list of communities presently being served by the applicant in the state and a list of any community where an application is pending;
- F. Such other information and provisions as may be prescribed by a request for proposal issued by the town for approval by the board of trustees. (Ord. 8-1981 §1(part), 1981: prior code §3-4-2)

5.04.040 Permit approval--Conditions. The board of trustees upon finding that the application is consistent with public interest, safety and welfare, may grant by ordinance a permit for such application in whole or in part, subject to such agreements, conditions, charges, assessments and taxes as the board of trustees may impose upon the applicant. (Ord. 8-1981 §1(part), 1981: prior code §3-4-3)

5.04.050 Construction regulations. All construction of lines, cables, or other apparatus in the streets, alleys or public places of the town pursuant to the grant of a permit shall be under the supervision and in accordance with the specifications and regulations provided for such work by the town engineers. (Ord. 8-1981 §1(part), 1981: prior code §3-4-4)

5.04.060 Violation--Penalty. A. It is unlawful for any person to construct, install or maintain within any public property of the town, or within any privately owned area within the town which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the town, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a permit authorizing such use of such street or property or area has first been obtained, and unless such permit is in full force and effect.

B. It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable television system under any permit within this town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of the system.

C. Penalty for Violation. The installation, operation or maintenance of a community antenna television system without a permit therefor as provided in this chapter is declared to be a nuisance and a trespass upon the public property. Additionally, any person, firm, corporation or organization who shall be convicted of a violation of any provisions of this chapter shall, for each offense, be fined in a sum not more than one thousand dollars or imprisoned not to exceed one year, or both so fined and imprisoned. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991; Ord. 4-1982 §1, 1982: prior code §3-4-5)

Chapter 5.05

WIRELESS COMMUNICATION FACILITIES

Sections:

- 5.05.010 Definitions.
- 5.05.020 Location and design criteria.
- 5.05.030 Approval by the building commissioner.
- 5.05.040 Approval by board of adjustment.
- 5.05.050 Removal of communication facilities.

5.05.010 Definitions. The following listed specific words and terms are defined as follows:

"Communication network" means the grid system used in wireless technology to locate communication sites which contain interconnecting equipment used to interface the radio signals sent and received by wireless equipment.

"Communication site" means the site or lot utilized for an unmanned wireless transmission facility that uses radio signals to transmit conversation, visual imagery or data to a user.

"Television antenna" means antenna used for private television reception for a single-family home. Antenna may only be located in the attic portion of a single-family home. In no event may antenna be located on the roof of any home.

"Wireless communication facilities" means structures, buildings and antennas used for the reception, switching, and transmission of wireless communications, including radio, television, cellular telephone and similar technology, except satellite dishes which are less than two feet in diameter. (Ord. 1-2000 §1(part), 2000)

5.05.020 Location and design criteria. All wireless communication facilities and sites shall be designed and located using the following criteria:

A. Wireless facilities should be co-located in a multi-use building with other wireless facilities or public utilities whenever possible, and to the extent the total facility remains consistent with the scale of the surrounding structures.

B. The applicant should demonstrate how the proposed communication site fits into the overall communication network for the community, to confirm the necessity for the site.

C. The location and development of communication facilities shall preserve the existing character of the topography and vegetation. Existing vegetation should be preserved or improved.

D. Communication facilities should be designed and located to avoid dominant silhouettes and to preserve view corridors of surrounding areas.

E. The visual impact of the communication facilities shall be mitigated through the use of compatible architectural elements such as colors, textures, surfaces, scale and character. The facilities shall be screened with vegetation, structures or topographical features. The facility should be integrated, through its location and design, into the natural setting and the structural environment of the area.

F. Where possible, communication facilities should be concealed in accessory structures consistent with the architectural scale and character of the area.

G. Fencing should not be used exclusively (it must be supplemented with vegetation and other things) to screen a cellular facility. Security fencing should be of a design which blends into the character of the existing environment.

H. The communication facilities will be designed, maintained and operated, as required by applicable Federal Communication Commission licenses, so as not to interfere with electronic reception of neighbors. (Ord. 1-2000 §1(part), 2000)

5.05.030 Approval by the building commissioner.

Wireless facilities are permitted in the following zone districts: R-A, POR, and T zone districts. Whip-type antenna or panel antenna, not to exceed eight square feet, are allowed in the public ROW on existing traffic signal poles or light standards. Antenna may not exceed thirty feet in height, as measured from the historic grade. Facilities will maintain the setback as required within the zone district or a setback equal to the height of the facility, whichever is greater, except within public right of way. Television antenna are permitted in the attic portion of single-family residences. A fee of seventy-five dollars shall be charged for any application filed for permission

to install a wireless communication facility. (Ord. 1-2000 §1(part), 2000)

5.05.040 Approval by board of adjustment. Wireless facilities may be allowed as accessory structures within residential districts, if specifically authorized by the board of adjustment and appeals as a special exception, after a public hearing. A wireless facility will maintain the setbacks as required within the zone district for accessory structures or a setback equal to the height of the facility, whichever is greater, unless physical characteristics of the property allow for placement of the facility as stated in Section 5.05.020. The maximum height of the antenna is thirty feet as measured from the historic grade. The board of adjustment and appeals may withhold approval of the facility if it does not meet the general criteria set forth in Section 5.05.020. (Ord. 1-2000 §1(part), 2000)

5.05.050 Removal of communication facilities. Communication facilities which are not in regular use or are in violation of Section 5.05.020 for six months, shall be removed by the facility owner. The removal shall occur a minimum of ninety days after the six month nonuse or violation period has expired. Upon removal, the site shall be refurbished to a physical condition similar to the site conditions prior to the installation of the communication facility. If the communication provider fails to remove the facility after receipt of written notice or within the nine month period, the facility may be removed by the town at the communication provider's expense. (Ord. 1-2000 §1(part), 2000)

Chapter 5.08

SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

Sections:

- 5.08.010 Soliciting--Nuisance declared.
- 5.08.020 Town marshal--Duties.
- 5.08.030 Violation--Penalty.

5.08.010 Soliciting--Nuisance declared. The practice of being in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner, or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and mer-

chandise, and/or for the purpose of and/or peddling or hawking the same, is declared to be a nuisance, and punishable as such nuisance as a misdemeanor. (Ord. 21A-1964 §1, 1964)

5.08.020 Town marshal--Duties. The town marshal and deputy marshals of the town are required and directed to suppress the same, and to abate any such nuisance as is described in Section 5.08.010. (Ord. 21A-1964 §2, 1964)

5.08.030 Violation--Penalty. Any person violating the provisions of this chapter shall, upon conviction thereof be fined not more than one hundred dollars or imprisoned not more than thirty days, or both, in the discretion of the court. (Ord. 21A-1964 §3, 1964)