

STILLWATER TOWNSHIP  
WASHINGTON COUNTY, MINNESOTA

**AN INTERIM ORDINANCE TEMPORARILY  
PROHIBITING NEW ANTENNA TOWERS**

THE BOARD OF SUPERVISORS OF STILLWATER TOWNSHIP ORDAINS:

**SECTION 1. Background.**

1.01. **Authority.** Pursuant to Minnesota Statutes Section 462.355, Subd. 4., the Town is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the Town while the Town or its planning consultant is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. The Town declares that this Interim Ordinance is established pursuant to the aforementioned statute.

1.02. **Findings and Purpose.** Continuing advances in wireless communications technology have resulted in a new generation of telephone type communication networks. These new services, including "personal communication service" (PCS), may require antenna locations throughout the Town.

There is concern that the current Town zoning ordinance provisions relating to towers do not adequately address issues relating to towers, such as the appropriate locations and the conditions under which they may be allowed within the Town, including structural and construction requirements, local location set backs, compatibility with existing uses, and height limitations. As a result of the important land use and zoning issues cited above, the Town Planning Commission, working with its planning consultant, should conduct studies for the purpose of consideration of possible amendments to the comprehensive plan and official controls to address the issues concerning the establishment of towers. The Town finds that this Interim Ordinance must be adopted to protect the planning process and the health, safety and welfare of the citizens.

The Town's current official controls are modeled after the Washington County zoning ordinance provisions originally adopted in March of 1997. Since that time, significant changes in tower design, telecommunication technology and market conditions have occurred. Recent information generated and considered by the Town Planning Commission and Town Board relating to tower design, telecommunication technology and related issues all of which impact land use decisions, make it clear that the Town needs to review its official controls.

Finally, issues are arising and information is being developed relating to the impact of towers on the St. Croix River Valley and Wild and Scenic River Corridor. The Town needs to also evaluate its official controls in light of these regional planning concerns.

1.03. **Zoning Study.** The Town of Stillwater is hereby declared to be an interim zoning study area with respect to the establishment of new towers. The Town is directing the Planning Commission, in conjunction with the Town Planner, to commence a study of the effects of the establishment of towers in the Town and to propose such amendments to the comprehensive plan or official controls that the Planning Commission deems necessary.

**SECTION 2. Definitions.** For purposes of this Ordinance, the terms defined in this Section have the meanings given them.

**Antenna:** That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves, including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof. Antennas may consist of metal, carbon fibre, or other electromagnetically conductive rods or elements.

**Tower:** Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and mast intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.

**SECTION 3. Prohibition.**

3.01. In accordance with the findings set forth in Section 1.02 and pursuant to the authority of Minnesota Statutes, Section 462.355, subd. 4, there is hereby established a moratorium on the construction, erection, placement, reconstruction, enlargement, or expansion of any tower within the Town and on the development and use of property for such purposes.

3.02. During the effective period of this Interim Ordinance, applications for conditional use permits, final site and building plan approval, building permits, and other permits related to such tower work shall not be accepted, considered or approved by the Town. This Ordinance prohibits the further consideration and approval of any pending application for tower work.

**SECTION 4. Enforcement.** The Town may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

**SECTION 5. Separability.** Every section, provision or part of this Ordinance is declared separable from every section, provision or part of this Ordinance. If any section, provision or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.


**SECTION 6. Duration.** This Ordinance shall take effect upon its adoption by the Town Board and shall remain in effect until the date of the adoption by the Town Board of the amendments to official controls contemplated hereunder or six (6) months, whichever occurs first.

ADOPTED this 12 day of Oct., 2000, by the Board of Supervisors of Stillwater Township.

TOWN OF STILLWATER

BY:   
Its Chairperson

ATTEST:

  
Pat Bantli, Town Clerk