

**TOWN OF EUREKA  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO. 2019-01**

**AN ORDINANCE ADDING ORDINANCE 3, CHAPTER 2, SECTION 2.**

THE TOWN BOARD OF EUREKA TOWNSHIP HEREBY ORDAINS:

**SECTION 1. PURPOSE.** The Town Board recognizes that construction of a broadcast tower which would allow for additional uses including, but not limited to, emergency services is in the best interest of the Town. The Town Board of Eureka recognizes that to protect the health and welfare of its citizens, it is necessary to adopt new regulations which provide for the orderly construction and maintenance of the new broadcasting towers.

**SECTION 2. DEFINITIONS.** Ordinance 1, Chapter 4c is hereby amended to add the following definitions:

- 2.01 “Transmitting Tower”: Transmitting Tower means any commercial and public radio and television transmitting tower and antenna including the building used in connection with said tower, transmitting and/or antenna described in the original Conditional Use Permit issued hereunder to the property owner, 300 feet or less in height above mean sea level (AMSL) used for continuous or standby broadcasting, transmitting, receiving or relaying of radio frequency signals and information for private, commercial, public or institutional use.
- 2.02 “Transmitting Accessory Equipment and Structures”: Transmitting Accessory Equipment and Structures mean antennas, wave guides, microwave transmission and reception equipment, up-link and down-link satellite antennas and other similar equipment, as well as any tower 300 feet or less in height AMSL described in the original Conditional Use Permit issued hereunder to the property owner, which are used or useful for, or in connection with, continuous or stand-by transmission, relay or reception of radio frequency signals to or from other terrestrial locations or satellites orbiting the Earth and the use and operation of such Accessory Equipment and Structures in accordance with Performance Standards, h, accessory utility buildings
- 2.04 “Transmitting Building”: Transmitting Building means any building containing audio, video and satellite transmitting and receiving equipment and other related equipment and parts, including standby power generators and vehicles, used or useful for or in connection with continuous or stand-by use of Broadcast Tower or Accessory Equipment and Structures, and the use and operation of equipment contained in such Broadcast Buildings.

**SECTION 3. TRANSMITTING TOWER.** Ordinance 3, Chapter 2, Section 1 is hereby amended to add the following to Clause C to paragraph 12.

9. Transmitting Tower provided they otherwise satisfy the requirements of Ordinance 3, Chapter 4, Sections 13 and 14.

SECTION 4. TRANSMITTING TOWER. Ordinance 3, Chapter 4, Section 13 Clause A is hereby amended to add the following language:

4.1 Transmitting Towers:

Paragraph 3 of Clause 3 Section 13 Chapter 4 Ordinance 3 is amended to add the following:

- d. All transmitting towers require a conditional use permit.

4.2 Paragraph 4b(i) of Clause A Section 13 Chapter 4 Ordinance 3 is amended to add the following sentence:

In addition, all transmitting towers shall also comply with all rules and regulations promulgated by the FCC.

4.3 Paragraph 4c(i) of Clause A Section 13 Chapter 4 Ordinance 3 is amended to add the following language:

In the case of a transmitting tower the set back from any property line shall be a minimum distance equal to the height of the tower and/or antennas unless a qualified structural engineer specifies in writing that the collapse of any transmitting tower and/or antennas will occur within a lesser distance.

4.4 Paragraph 4c of Clause A Section 13 Chapter 4 Ordinance 3 shall be amended to add the following language as (vi):

No transmitting tower shall be constructed within a circle whose radius is 26,400 feet and the center is an existing transmitting tower.

4.5 Paragraph 4e(i) of Clause A Section 13 Chapter 4 Ordinance 3 shall be amended to add the following language as (vi):

In the case of a transmitting tower the height of said tower is limited to 300 feet Above Mean Sea Level (AMSL) and the antennas mounted on said tower may not extend more than 20% of the tower height. Exception to height may be considered if FCC rules and regulations in effect at the time of the application apply.

4.6 Paragraph 4h of Clause A Section 13 Chapter 4 Ordinance 3 shall be amended to add the following language as:

In addition, to the requirements set forth herein any transmitting building shall comply with all rules and regulations promulgated by the Federal Aeronautics Administration (FAA) or the Federal Communication Commission (FCC).

SECTION 5. ADOPTION AND ENACTMENT. This ordinance shall become effective upon application.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon its passage and the first day of publication.

Dated: \_\_\_\_\_

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Donovan Palmquist, Town Board Chair

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Ranee Solis, Town Clerk