



Legislation Text

File #: 42475, Version: 1

**Fiscal Note**

The proposed ordinance amends the Madison General Ordinances to require the removal of unused antenna systems from buildings and increases the resulting penalty. This ordinance increases the fine for violations from a range of \$1 to \$100 to a range of \$10 to \$1,000. However, the fiscal impact on City revenues is minimal.

**Title**

Amending Section 17.04, 17.11 creating Section 17.13 and renumbering Section 17.13 to Section 17.14 of the Madison General Ordinances to require the removal of unused antenna systems from buildings and increase the penalty for violation thereof.

**Body**

DRAFTER'S ANALYSIS: Property owners often attach antenna systems to buildings in order to receive or transmit radio, television, and other communication signals. MGO 28.134 (2) specifically allows communication towers to exceed the maximum height regulations within a district. Through time, antenna systems become obsolete and unused because of, among other things, technological advances, but often remain on the top or exterior of buildings.

This amendment to Chapter 17 (radio, television, and electronics code) requires that antenna systems attached to the exterior of a building that are no longer used must be removed. This requirement will not apply to smaller antenna systems located at single-family detached dwellings, two family dwellings, three family dwellings, and single-family attached dwellings.

This amendment also updates the definitions contained in Chapter 17 to more closely align with current technologies. Finally, this amendment increases the penalty range for violations of Chapter 17 to be consistent with the forfeiture range for other building related forfeitures.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 17.04 entitled "Definitions" of the Madison General Ordinances is amended by amending, creating and repealing therein the following:

"Antenna. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, microwaves, digital signals, analog signals, radio frequencies (excluding radar signals), television signals, wireless communication signals or other communication signals.

Antenna Elements. That portion or portions of the outside antenna system for radio or television receiving apparatus or equipment, which are electrically connected to receiving and transmitting equipment.

Antenna System. The combination of any antenna elements, mast and tower or mast support as defined above, excluding standard television antennas in private residences and direct broadcast systems (dishes) under forty-two (42) inches in diameter located at single-family detached dwellings, two-family (two-unit) dwellings, two-family (twin) dwellings, three family (three-unit) dwellings, or single-family attached dwellings as defined in Sec. 28.211, MGO.

Equipment, Receiving. To include radio and television receivers, a Antenna systems and electric wiring used to convey electric energy between one (1) or more portions of the receivers and the antenna system.

Installation. The locating of radio or television receiving equipment antenna systems in relation to buildings, public thoroughfares, power and communication lines."

2. Section 17.11 entitled "Violations and Penalties" of the Madison General Ordinances is amended to read as follows:

**"17.11 VIOLATIONS AND PENALTIES.**

Any person, or anyone acting in behalf of said person, violating any of the provisions of this ordinance, or any rules or regulations lawfully established and promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not less than ~~one~~ ten dollar (\$10) nor more than one ~~hundred~~ thousand dollars (\$1000). Each day of the violation shall constitute a separate offense.”

3. Section 17.13 entitled “Removal of Unused Antenna Systems” of the Madison General Ordinances is created to read as follows:

**“17.13 REMOVAL OF UNUSED ANTENNA SYSTEMS.**

- (1) The building owner or any person in charge of or responsible for any antenna system, including communication towers or dish systems, shall remove any such system from the exterior or roof of a building if the antenna system is no longer used for the purpose for which it was installed. This requirement shall not apply to antenna systems located at single-family detached dwellings, two-family (two unit) dwellings, two-family (twin) dwellings, three-family (three-unit) dwellings, or single-family attached dwellings as defined in Sec. 28.211, MGO.
- (2) Failure to remove unused antenna systems shall result in penalties under Sec. 17.11.”

4. Section 17.13 entitled “Compliance Inspection Fees” of the Madison General Ordinances is hereby renumbered to Section 17.14.