

**Chapter 16.90**

**WIRELESS TELECOMMUNICATIONS  
TOWERS AND ANTENNAS**

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**16.90.010 Purposes.**

The purpose of this Chapter is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Chapter are to:

- (1) protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) encourage the location of towers in non-residential areas;
- (3) minimize the total number of towers throughout the community;
- (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) encourage users of towers and antennas to

configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(8) consider the public health and safety of communication towers; and

(9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Ripon shall give due consideration to the City of Ripon's general plan, specific plans, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. (Ord. 678 §1, 2003)

**16.90.020: Definitions.**

As used in this ordinance, the following terms shall have the meanings set forth below:

**ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

**BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long

distance providers, or the public switched telephone network.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

HEIGHT. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

WIRELESS SERVICE FACILITY. A tower or antenna and the building, structure or equipment used in association with the tower or antenna. (Ord. 678 § 1, 2003)

**16.90.030: Applicability.**

(a) New Towers and Antennas. All new towers or antennas in the City of Ripon shall be subject to these regulations, except as provided in Sections 16.90.030 (b) through (e), inclusive.

(b) Amateur Radio Station Operators/Receive Only Antennas. This Chapter shall not govern any

tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. Further, this Chapter shall not govern any tower, or the installation of any antenna, that is located below the roofline of the building on which it is located.

(c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Sections 16.90.040(h) and 16.90.040(i).

(d) AM Array. For purposes of implementing this Chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(e) Public Entities. The City of Ripon shall be exempt from the provisions of this Chapter. In addition, the provisions of this Chapter shall not apply to any tower, or the installation of any antenna located on real property owned or controlled by any public agency or public utility, provided that any such tower or antenna shall be used solely by said public agency or public utility, and shall not be leased or otherwise conveyed to any third party. (Ord. 678 §1, 2003; Ord. 766 §6, 2008)

**16.90.040. General Requirements.**

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Ripon or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Planning Department may share such information with other applicants applying for administrative approvals or use permits under this Chapter or other organizations seeking to locate antennas within the jurisdiction of the City of Ripon, provided, however that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) Aesthetics. Notwithstanding Section 16.90.080, towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the wireless service facility, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting

electrical and mechanical equipment and related structures must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views

(f) Noise. All wireless service facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to residents of nearby homes and the users of recreational areas, such as public parks and trails. Noise attenuation measures shall be required for all air-conditioning units. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the Planning Department when deemed necessary.

Testing and maintenance activities of wireless service facilities which generate audible noise shall occur between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the Planning Department. Testing and maintenance activities that do not generate audible noise may occur at any time, unless otherwise restricted by the Planning Department.

(g) Landscaping. The following requirements shall govern the landscaping surrounding wireless service facilities for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this Chapter would be better served thereby.

(i) Wireless service facilities shall be

landscaped with a buffer of plant materials that effectively screens the view of the facility from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facility.

(ii) In locations where the visual impact of the wireless service facilities would be minimal, the landscaping requirement may be reduced or waived by the Planning Commission.

(iii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(iv) Notwithstanding the foregoing, landscaping shall comply with the requirements for the District in which the personal wireless facility is located as set forth in Chapter 16.148 of the Development Title.

(h) State or Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Further, the owner shall provide written notification to the Planning Department of compliance with such revised standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute

grounds for the immediate removal of the tower or antenna at the owner's expense.

(i) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Ripon concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(j) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Ripon irrespective of municipal and county jurisdictional boundaries.

(k) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(l) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless Service facility or system in the City of Ripon have been obtained and shall file a copy of all required franchises with the Planning Department.

(m) Public Notice. For purposes of this Chapter, any special use request, variance request, or appeal

of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 16.90.070 (b)(5)(ii), Table 16.90.070.2, in addition to any notice otherwise required by the Development Title.

(n) Signs. No signs shall be allowed on an antenna or tower, other than those required for operation of a wireless service facility or system

(o) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 16.90.080.

(p) Multiple Antenna/Tower Plan. The City of Ripon encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process. (Ord. 678 §1, 2003; Ord. 758, §2 (part), 2007)

#### **16.90.050. Permitted Uses.**

(a) General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a use permit.

(b) Permitted Uses. The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Ripon provided a license or lease authorizing such antenna or tower has been approved by the City of Ripon. (Ord. 678 §1, 2003)

#### **16.90.060. Administratively Approved Uses.**

(a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(1) The Planning Department may administratively approve the uses listed in this Section.

(2) Each applicant for administrative approval shall apply to the Planning Department providing the information set forth in Sections 16.90.070 (b)(1) and 16.90.070 (b)(3) of this Chapter and a nonrefundable fee as established by resolution of the City Council to reimburse the City of Ripon for the costs of reviewing the application.

(3) The Planning Department shall review the application for administrative approval and determine if the proposed use complies with Sections 16.90.040, 16.90.070 (b)(4) and 16.90.070 (b)(5) of this Chapter.

(4) The Planning Department shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the Planning Department fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.

(5) In connection with any such administrative approval, the Planning Department may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 16.90.070 (b)(4) or separation distances between towers in Section 16.90.070 (b)(5) by up to fifty percent (50%).

(6) In connection with any such administrative approval, the Planning Department may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(7) If an administrative approval is denied, the applicant shall file an application for a use permit pursuant to Section 16.90.070 prior to filing any appeal that may be available under the Development Title.

(b) List of Administratively Approved Uses. The following uses may be approved by the Planning Department after conducting an administrative review:

(1) Locating a tower or antenna, including the placement of additional buildings or other supporting structure or equipment used in connection with said tower or antenna, in any industrial district (as defined in the Development Title).

(2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) Antennas on existing structures. Any antenna that is not attached to a tower may be approved by the Planning Department as an accessory use to any commercial, industrial, professional or institutional structure, provided:

(i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes and state or federal requirements.

(b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Planning Department and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning Department allows reconstruction as a monopole.

(ii) Height. Subject to Section 16.90.060 (b)(3);

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (ii)(a) may only occur one time per communication tower.

(c) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 16.90.070. The tower's premodification height shall be used to calculate such distance separations.

(iii) Onsite location.

(a) A tower that is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 16.90.070 (b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 16.90.070 (b)(5).

(d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 16.90.070 (b)(5) shall only be permitted when approved by the Planning Commission.

(3) New towers in non-residential districts. Locating any new tower in a non-residential district, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Planning Department concludes the tower is in

conformity with the goals set forth in Section 16.90.010 and the requirements of Section 16.90.040; the tower meets the setback requirements in Section 16.90.070 (b)(4) and separation distances in Section 16.90.070 (b)(5); and the tower meets the following height and usage criteria:

- (i) for a single user, up to ninety (90) feet in height;
  - (ii) for two users, up to one hundred twenty (120) feet in height; and
  - (iii) for three or more users, up to one hundred fifty (150) feet in height.
- (4) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. (Ord. 678 §1, 2003; Ord. 758, §2 (part), 2007)

**16.90.070. Special Use Permits.**

(a) General. The following provisions shall govern the issuance of use permits for towers or antennas by the Planning Commission:

(1) If the tower or antenna is not a permitted use under Section 16.90.050 of this Chapter or permitted to be approved administratively pursuant to Section 16.90.060 of this Chapter, or in any instance in which the Planning Director so determines, then a use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(2) Applications for special use permits under this Section shall be subject to the procedures and requirements of Chapter 16.76 of the Development Title, except as modified in this Section.

(3) In granting a use permit, the Planning Commission may impose conditions to the extent the

Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower and facilities on adjoining properties. Such factors include but are not limited to:

- (a) Health consequences; and
  - (b) Economic injury to property.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Council to reimburse the City of Ripon for the costs of reviewing the application.

(b) Towers.

(1) Information required. In addition to any information required for applications for special use permits pursuant to Chapter 16.76 of the Development Title, applicants for a use permit for a tower shall submit the following information:

(i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all properties within the applicable separation distances set forth in Section 16.90.070 (b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures or facilities, topography, parking, and other information deemed by the Planning Department to be necessary to assess compliance with this Chapter.

(ii) Legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 16.90.040 (c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(v) A landscape plan showing specific landscape materials and design.

(vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vii) A description of compliance with Sections 16.90.040 (c), (d), (e), (f), (g), (h), (i), (j), (l), and (o), 16.90.070 (b)(4), 16.90.070 (b)(5) and all applicable federal, state and local laws.

(viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant within the City of Ripon.

(x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(xi) A description of the feasible location(s) of future towers or antennas within the City of Ripon based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors Considered in Granting Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Chapter 16.76 of the Development Title, the Planning Commission shall consider the following factors in determining whether to issue a use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this Chapter are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(vii) Proposed ingress and egress; and

(viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 16.90.070 (b)(3) of this ordinance.

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Department related to the availability of

suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic area that meets applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback

requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this Chapter would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessory buildings or structures must satisfy the minimum zoning district setback requirements.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this Chapter would be better served thereby.

(i) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 16.90.070.1, except as otherwise provided in Table 16.90.070.2.

(b) Separation requirements for towers shall comply with the minimum standards established in Table 16.90.070.1.

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 16.90.070.2.

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however,

that the Planning Commission may waive such requirements, as it deems appropriate. (Ord. 678 §1, 2003; Ord. 758, §2 (part), 2007)

**Table 16.90.070.1**

<b>Off-site Use/Designated Area</b>	<b>Separation Distance<sup>2</sup></b>
Single-family or duplex residential units <sup>1</sup>	500 feet
Vacant single-family or duplex residentially zoned land which is either platted or has tentative subdivision map approval which is not expired	500 feet
Vacant unplatted residentially zoned lands <sup>3</sup>	500 feet
Existing multi-family residential units greater than duplex units	500 feet
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

<sup>1</sup>Includes modular homes and mobile homes used for living purposes.

<sup>2</sup>Separation measured from base of tower to closest building setback line.

<sup>3</sup>Includes any unplatted residential use properties without a tentative subdivision map or development agreement approval and any multi-family residentially zoned land greater than a duplex.

**Table 16.90.070.2**

**Existing Towers - Types**

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

**16.90.080. Aesthetics of Wireless Service Facilities.**

(a) All wireless service facilities shall be located so as to minimize their visibility and, unless otherwise determined by the Planning Department, to be hidden from view, designed to ensure that they will not appear as an antenna or tower facility. To minimize visual impacts, all wireless service facilities shall incorporate appropriate stealth techniques to camouflage, disguise and/or blend them into the surrounding environment. Wireless service facilities shall be in scale and architecturally integrated with surrounding building design(s) or natural setting in such a manner as to be visually unobtrusive. (b) Antennas mounted on structures or on architectural details of a building shall be treated to match existing architectural features and colors found on the building. Façade-mounted antennas shall be integrated into the building's architecture through design, color, and texture.

(c) Roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted antennas shall not be allowed when they are placed in direct line of sight of significant or sensitive view corridors or where they adversely affect scenic vistas, unless facilities incorporate appropriate, creative stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined by Planning Department.

(d) Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to

be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the Planning Department determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located.

(e) The height of a personal wireless service facility shall include the height of any structure upon which it is placed.

(f) The height of a wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened from residential land uses, or other sensitive land uses such as parks, schools, or major streets, and on an engineering analysis justifying the height of the proposed wireless service facility.

(g) The visible exterior surfaces of wireless service facilities shall be constructed out of nonreflective materials.

(h) All colors and materials are subject to the Planning Department's approval. The colors and materials of antennas, equipment cabinets, structures, and other appurtenances shall be chosen to minimize the visibility of the wireless service facility, except as specifically required by the FAA. Facilities, which will be primarily viewed against soils, trees, or grasslands, shall be painted colors matching these landscapes. (i) Lightning arrester rods and beacon lights shall not be included as part of the design of any wireless service facility, unless the wireless service provider can prove that it is

necessary for health and safety purposes, or required by the FAA.

(j) The requirements of Sections 16.90.080 (a) through (i) may be modified by the Planning Department in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage collocation. (Ord. 678 §1, 2003)

**16.90.090. Removal of Abandoned Antennas and Towers.**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Ripon notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds for the City of Ripon to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (Ord. 678 §1, 2003)

**16.90.100. Nonconforming Uses.**

(a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply

with the requirements of this Chapter.

(c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.

Notwithstanding Section 16.90.090, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a use permit and without having to meet the separation requirements specified in Sections 16.90.070 (b)(4) and 16.90.070 (b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 16.90.090. (Ord. 678 §1, 2003)

**16.90.110. Indemnity and Liability.**

(a) The owners of wireless service facilities located in the City of Ripon shall defend, indemnify and hold harmless the City of Ripon or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City of Ripon, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of any proposed antenna or tower, unless such claim, action or proceeding is based on the negligence or misconduct of the City of Ripon, when such claim or action is brought within the time period provided by in applicable state and local statutes. The City of Ripon shall promptly notify the owners of any such claim, action or proceeding. Nothing contained in this subsection shall prohibit the City of Ripon from participating in

a defense of any claim, action or proceeding if the City bears its own attorney fees and costs, and the City defends the action in good faith.

(b) The owners of wireless service facilities shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from the usage of their wireless service facilities located within the City of Ripon. This liability shall include clean-up, injury or damage to persons or property. Additionally, wireless service providers shall be responsible for any sanctions, fines, or other

monetary costs imposed as a result of the release of pollutants from the operation of their wireless service facilities.

(c) The owners of wireless service facilities located in the City of Ripon shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the FCC standards. (Ord. 678 §1, 2003)