

VILLAGE OF JEROME, ILLINOIS

ORDINANCE NO. 19-07

**AN ORDINANCE PROVIDING FOR THE REGULATION OF AND
APPLICATION FOR SMALL WIRELESS FACILITIES**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JEROME, ILLINOIS
THIS 19th DAY OF July, 2018

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Jerome, Sangamon County,
Illinois, this 23rd day of July, 2018.

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AN ORDINANCE PROVIDING FOR THE REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

WHEREAS, the Village of Jerome (the “Village”) is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, the Village is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and,

WHEREAS, the Village is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under section 11-80-1 et seq., of the Illinois Municipal Code; and

WHEREAS, the Village uses the public right-of-way within its Village limits to provide essential public services to its residents and businesses. The public right-of-way within the Village is a limited public resource held by the Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the Village is authorized, under existing State and federal law, to

enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way; and

WHEREAS, in anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, the Village Board finds that it is in the best interests of the public health, safety and general welfare of the Village to adopt the ordinance below in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the Village so as to, among other things: (i) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in public right-of-way or property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public right-of-way in the Village, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the Village, and (vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

NOW, THEREFORE, *BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF JEROME, ILLINOIS, AS FOLLOWS:*

SECTION 1:

Definitions.

For purposes of this Ordinance, the following terms will have the following meanings:

ALTERNATIVE ANTENNA STRUCTURE	An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a Village-owned infrastructure.
ANTENNA	Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.
APPLICANT	Any person or entity submitting an application to install personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way.
CITY-OWNED INFRASTRUCTURE	Infrastructure in public right-of-way within the boundaries of the Village, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the Village.
DISTRIBUTED ANTENNA SYSTEM (DAS)	A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple carriers.
LANDSCAPE SCREENING	The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.
MONOPOLE	A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a Village-owned infrastructure.
PERSONAL WIRELESS TELECOMMUNICATION ANTENNA	An antenna that is part of a personal wireless telecommunications facility.
PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT	Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.
PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY	An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

SMALL CELL FACILITIES	A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation.
TOWER	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a Village-owned infrastructure. Except as otherwise provided for by this Ordinance, the requirements for a tower and associated antenna facilities shall be those required in this Ordinance.
UTILITY POLE	An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.
VARIANCE or VARIATION	A grant of relief by the Village President or his/her designee.
WI-FI ANTENNA	An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

SECTION 2:

Standards and Regulations.

Personal wireless telecommunication facilities will be permitted to be placed in right-of-way within the jurisdiction of the Village as attachments to existing utility poles, alternative antenna structures, or Village-owned infrastructure subject to the following regulations:

- A. *Number Limitation and Co-Location.* The Village President or his/her designee may regulate the number of personal wireless telecommunications facilities allowed on each utility pole or unit of Village-owned infrastructure. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structures in excess of ninety (90) feet and less than one-hundred and twenty (120) feet. This Ordinance does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.

- B. *Separation and Clearance Requirements.* Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or Village-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) per cent of the height of such facility to any residential building and no closer than three hundred (300) feet from any other personal wireless telecommunication facility. A separation or lesser clearance may be allowed by the Village President or his/her designee as an administrative variance to this Ordinance when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.
- C. *Village-Owned Infrastructure.* Personal wireless telecommunication facilities can only be mounted to Village-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the Village.
- D. *New Towers.* No new monopole or other tower to support personal wireless telecommunication facilities in excess of sixty (60) feet is permitted to be installed on right-of-way within the jurisdiction of the Village unless the Village Board finds, based on clear and convincing evidence provided by the applicant, that locating the personal wireless telecommunications facilities on the right-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the right-of-way is the least intrusive means to do so.
- E. *Attachment Limitations.* No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or Village-owned infrastructure unless all of the following conditions are satisfied:
1. *Surface Area of Antenna:* The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
 2. *Size of Above-Ground Personal Wireless Telecommunication Facility:* The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.
 3. *Personal Wireless Telecommunication Equipment:* The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.

4. **Personal Wireless Telecommunication Services Equipment Mounted at Grade:** In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three (3) feet from the equipment installed at-grade and eight (8) feet from a roadway.
5. **Height:** The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, tower or Village-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or Village-owned infrastructure located within the public right-of-way may be no more than ten to seventy (10 – 70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less.
6. **Color:** A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.
7. **Antenna Panel Covering:** A personal wireless telecommunication antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.
8. **Wiring and Cabling:** Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
9. **Grounding:** The personal wireless telecommunication facility must be grounded in accordance with the requirements of the electrical code currently in effect in the Village.
10. **Guy Wires:** No guy or other support wires will be used in connection with a personal wireless telecommunication facility unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or Village-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.
11. **Pole Extensions:** Extensions to utility poles, alternative support structures, towers and Village-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any

related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in 12 below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or Village-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

12. **Structural Integrity:** The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to Village-owned infrastructure or, in the discretion of the Village, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the Village with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois. This paragraph shall not serve to adopt the codes referenced herein in their entirety.

F. *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.

G. *Screening.* If screening is required under Section (c)(4) above, it must be natural landscaping material or a fence subject to the approval of the Village and must comply with all regulations of the Village. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the Village, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the Village, at its sole discretion, may accept a fee from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the Village.

H. *Permission to Use Utility Pole or Alternative Antenna Structure.* The operator of a personal wireless telecommunication facility must submit to the Village written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, prior to issuance of the Village permit.

- I. *Licenses and Permits.* The operator of a personal wireless telecommunication facility must verify to the Village that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the Village.
- J. *Variance Requirements.* Each location of a personal wireless telecommunication facility within a right-of-way must meet all of the requirements of this Ordinance, unless a variance has been obtained from the Village.
- K. *Abandonment and Removal.* Any personal wireless telecommunication facility located within the corporate limits of the Village that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility must remove same within ninety (90) days of receipt of written notice from the Village notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the Village to such owner at the last known address of such owner. In the case of personal wireless telecommunication facilities attached to Village owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the Village may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided by law for removal and cost recovery.
- L. *Permits and Application Fees and Procedures.* Permits for placement of personal wireless telecommunication facilities in right-of-way within the Village are required. Except as otherwise provided for by in this Ordinance, the procedures for the application for, approval of, and revocation of such a permit must be in compliance with Village permit application requirements. Any applications must demonstrate compliance with the requirements of this section. Unless otherwise provided by franchise, license, or similar agreement, or federal, State or local law, all applications for permits pursuant to this section must be accompanied by a fee in the amount of no less than \$500 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure; \$300 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures; or \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility for such collocation. The application fee will reimburse the Village for regulatory and administrative costs with respect to the work being performed.
- M. *Conflict of Laws.* Where the conditions imposed by any provisions of this Ordinance regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION 3:

All ordinances or parts of ordinances in conflict herewith are hereby superseded.

SECTION 4:

If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5:

The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 6:


This Ordinance shall take effect upon its passage and publication as required by law. The Clerk shall publish this ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Village Code of Ordinances.

Passed this 19th day of July, pursuant to a roll call vote as follows:

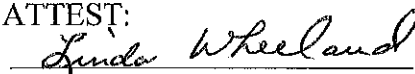
Trustee DeHart	<u>Aye</u>
Trustee Hendricks	<u>Aye</u>
Trustee Johnson	<u>Aye</u>
Trustee Lael	<u>Aye</u>
Trustee Tripp	<u>Absent</u>
President Lopez	<u> </u>

AYES:	<u> 4 </u>
NAYS:	<u> 0 </u>
PRESENT:	<u> 0 </u>
ABSTAIN/ABSENT:	<u> 1 </u>

Approved by me this 19th day of July, 2018.



 Michael Lopez, Village President

ATTEST:


 Linda Wheeland, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I, certify that I am the duly appointed Municipal Clerk of the Village of Jerome, Sangamon County, Illinois.

I further certify that on July 19, 2018, the corporate authorities of such Village passed and approved Ordinance No. 19-07 entitled:

AN ORDINANCE PROVIDING FOR THE REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-07, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on July 23, 2018 and continuing for at least ten days thereafter. Copies of such Ordinances were also available for public inspection upon request in the office of the Village Clerk.

DATED at Jerome, Illinois, this 3rd day of August, 2018.

(SEAL)

Linda Wheeland
Linda Wheeland, Village Clerk