



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org

Department Requested Action

File Number: 2018-0473

Agenda Date: 7/16/2018

Version: 1

Status: PASSED

In Control: Board of Trustees

File Type: ORDINANCE

Title/Name/Summary

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF ORLAND PARK RELATIVE TO THE PERMITTING, REGULATION AND DEPLOYMENT OF SMALL WIRELESS FACILITIES

..Body

WHEREAS, the Village of Orland Park ("Village"), is a municipal corporation duly organized and existing under the laws of the State of Illinois; and

Whereas, the public rights-of-way within Village limits are used to provide essential public services to Village residents and businesses. The public rights-of-way within the Village are 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 rights-of-way are 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 antenna facilities, distributed antenna systems, and other small wireless telecommunication facilities on utility and street light poles and other structures both within the public rights-of-way and in other locations; 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 Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 et seq.); and

WHEREAS, the Village is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell antenna facilities, distributed antenna systems, and other small personal wireless telecommunication facility installations both within the public rights-of-way and in other locations within the jurisdiction of the Village; and

WHEREAS, Public Act 100-585, known as the Small Wireless Facilities Deployment Act, approved by the Governor on April 12, 2018, with an effective date of June 1, 2018, acts to impose certain additional requirements on municipalities, including the Village, regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless

facilities both within public rights-of-way and in other locations within the jurisdiction of the Village;
and

Whereas, in conformance with the requirements of the Small Wireless Facilities Deployment Act, and in anticipation of a continued increased demand for placement of small wireless facilities of the type regulated by the Small Wireless Facilities Deployment Act both within the public rights-of-way and in other locations within the jurisdiction of the Village, the Village President and Board of Trustees finds that it is in the best interests of the public health, safety and general welfare of the Village to adopt the code amendments below in order to establish generally applicable standards consistent with the Small Wireless Facilities Deployment Act (Public Act 100-585) for the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of such small wireless facilities both within the public rights-of-way and in certain other locations within the jurisdiction of the Village so as to, among other things: (i) prevent interference with the facilities and operations of the Village utilities and of other utilities lawfully located in public rights-of-way or in other locations within the Village; (ii) preserve the character of the neighborhoods in which such small wireless facilities are installed; (iii) minimize any adverse visual impact of small wireless facilities and prevent visual blight in the neighborhoods in which such facilities are installed; (iv) ensure the continued safe use and enjoyment of private properties adjacent to small wireless facilities; (v) provide appropriate aesthetic protections to designated areas and historic landmarks or districts within the Village; and (vi) ensure that the placement of small wireless facilities does not negatively impact public safety and the Village's public safety technology.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF ORLAND PARK, COOK COUNTY, ILLINOIS:

SECTION 1

The recitals above shall be and are incorporated in this Section 1 as if fully restated herein.

SECTION 2

Title 3 (Public Ways and Properties), is amended by adding a new Chapter 10 (Small Wireless Facilities), to read in its entirety as follows:

SECTION 3

All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 4

Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

SECTION 5

Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6

This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.