

RESOLUTION NO. 17 - _____

A RESOLUTION URGING THE GOVERNOR TO VETO SENATE BILL 1451

RECITALS

WHEREAS, the City of Naperville supports the goal of ensuring reliable wireless services in our communities and the advancement of technology in the telecommunications industry; and

WHEREAS, Senate Bill (“SB”) 1451 establishes the Small Wireless Facilities Deployment Act and severely limits municipal authority to regulate, site, or charge permit fees for wireless facilities; and

WHEREAS, SB 1451 permits a private business entity to use public right-of-way at a rate far below market value, distorting the private market for small wireless facilities; and

WHEREAS, SB 1451 permits wireless providers, and third parties who act as agents or contractors for wireless providers, to locate telecommunications equipment with an antenna as large as six (6) cubic feet in size, and associated equipment up to twenty-five (25) cubic feet in size, on existing or new utility poles subject to minimal zoning regulations by the municipality; and

WHEREAS, SB 1451 creates an automatic approval timeline, which is one-sided and detrimental to the public, presuming that municipalities are negligent—and providers not—when a permit is incomplete or inadequate; and

WHEREAS, state legislators amended SB 1451 to exempt the City of Chicago in an effort to pass the legislation; and

WHEREAS, many municipalities have already enacted ordinances, or are in the process of updating their codes to address small wireless facilities, or are developing right-of-way use agreements with the industry, indicating that municipalities are making a significant effort to develop reasonable standards for the deployment of wireless facilities; and

WHEREAS, on November 7, 2017, Steve Chirico, Mayor of the City of Naperville, provided live testimony before the Public Utilities Committee of the Illinois House of Representatives in opposition of SB 1451; and

WHEREAS, the City of Naperville’s state legislators, Illinois Representatives Grant Wehrli, Jeanne Ives, and Stephanie Kifowit, and Illinois Senators Michael Connolly and Linda Holmes, opposed SB 1451 in both houses; and

WHEREAS, Illinois municipalities are diverse and each one must be given the opportunity to develop reasonable regulations that will protect their specific needs.

NOW, THEREFORE, BE IT RESOLVED THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals above are incorporated as part of the Section 1 as though set forth herein in their entirety.

SECTION 2: It is resolved that the City of Naperville opposes SB 1451 as passed by the Illinois General Assembly and urges the Governor to veto the legislation.

SECTION 3: It is further resolved that the City of Naperville is committed to developing reasonable regulations for the deployment of wireless technology and is eager to work with stakeholders to develop regulations that ensure reliable wireless services while also preserving the rights of the municipality, property owners, and citizens.

SECTION 4: This Resolution shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this ____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2017.

Steven Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk