

ORDINANCE NO. 25-_____

AN ORDINANCE
AMENDING SECTION 5 (ANNUAL FEES) OF
ARTICLE E (FEES, COSTS, AND COMPENSATION) OF
CHAPTER 1 (STREETS AND SIDEWALKS) OF
TITLE 9 (PUBLIC WAYS AND PROPERTY)
OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

1. **WHEREAS**, the Mayor and the City Council of the City of Naperville, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and
2. **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
3. **WHEREAS**, the City of Naperville desires to use its municipal authority to regulate the use of its right-of-ways, which it holds in trust for its residents; and
4. **WHEREAS**, on July 1, 2024, the Public Act 103-0601 was signed into law, which, in part, provides that an authority may charge an annual recurring rate to collocate a small wireless facility on an authority utility pole located in a right-of-way that equals \$270 (rather than \$200) per year; and
5. **WHEREAS**, the City of Naperville desires to enact an ordinance that updates its Code to address Public Act 103-0601, which went into effect on July 1, 2024.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: Section 5 (Annual Fees) of Article E (Fees, Costs and Compensation) of Chapter 1 (Streets and Sidewalks) of Title 9 (Public Ways and Property) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

TITLE 9 – PUBLIC WAYS AND PROPERTY

CHAPTER 1 – STREETS AND SIDEWALKS

ARTICLE E. – FEES, COSTS, AND COMPENSATION

SECTION:

9-1E-5: - ANNUAL FEES:

1. A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City-owned pole that equals (i) two hundred seventy dollars (~~\$200.00~~ 270.00) per year or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on the City-owned pole.
2. Unless otherwise provided in a license agreement, prohibited by preemptive law or otherwise provided in this Code, each license grantee shall pay an annual license fee of one dollar fifty cents (\$1.50) per each linear foot of the facilities which consisted of new construction, laying, boring, poling or the like, except for excess or surplus facilities not being used, but required under this Chapter, located in the City's public streets, public ways, or other City property, and an annual license fee of fifty cents (\$0.50) per each linear foot of the facilities being located in existing excess or surplus facilities in the City's public streets, public ways, or other City property. Any discrepancy in linear footage actually installed will be reconciled by the parties upon submission of as built drawings at the conclusion of the project.

Such annual fee shall serve as reimbursement for the City's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public streets, property and ways on behalf of the public and existing or future users.

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

ATTEST:

Scott A. Wehrli, Mayor

Dawn Portner, City Clerk