



## Legislation Details (With Text)

**File #:** 18-525      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 6/12/2018      **In control:** City Council

**On agenda:** 6/19/2018      **Final action:**

**Title:** Waive the first reading and pass the ordinance amending Sections, 9-1A-2, 9-1B-4, 9-1B-10, 9-1B-16, 9-1B-21, 9-1B-24 9-1E-2, 9-1E-5 of Naperville Municipal Code pertaining to small wireless facilities in the right-of-way (requires six positive votes).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
6/19/2018	1	City Council		

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Sections, 9-1A-2, 9-1B-4, 9-1B-10, 9-1B-16, 9-1B-21, 9-1B-24 9-1E-2, 9-1E-5 of Naperville Municipal Code pertaining to small wireless facilities in the right-of-way (requires six positive votes).

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Jennifer Lutzke, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

On June 1, 2018, the Small Wireless Facilities Deployment Act (Act) went into effect. This Act provides the regulations and process for permitting and deploying small wireless facilities. Municipalities have two months from the effective date of June 1, 2018 to either adopt fees through an ordinance or provide a fee schedule.

#### **DISCUSSION:**

The full text of the proposed amendments to Sections, 9-1A-2, 9-1B-4, 9-1B-10, 9-1B-16, 9-1B-21, 9-1B-24 9-1E-2, 9-1E-5 of Naperville Municipal Code are appended hereto as Exhibit 1.

The Act allows that additional telecommunication hardware may be added to utility poles, light poles and other structures in the public right-of-way as wireless carriers implement 5G technology and enhance cellular transmission.

The proposed amendments require wireless telecommunications providers to submit permit applications and pay applicable fees up to the limits in state law for the use of the public right-of-way. It also gives the City the authority to propose alternate placements within 100 feet of the requested site to help ensure the integrity of the right-of-way and outlines additional aesthetic requirements for right-of-way properties zoned B4 or B5 and any portion of the Riverwalk that is deemed as a public right of way.

The proposed amendments are intended to simplify and improve the regulations for communication facilities and present them in a user-friendly manner; they include updates to the current language in response to the Act.

**FISCAL IMPACT:**

The fiscal impact will be contingent upon the fees that are assessed related to application and permit fees.