



Legislation Details (With Text)

File #: 18-940B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/8/2018 **In control:** City Council

On agenda: 11/20/2018 **Final action:** 11/20/2018

Title: Pass the ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code to provide the City Manager authority to enter into pole attachment agreements for collocation of small wireless facilities on City poles

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Naperville Draft Pole Attachment Agreement

Date	Ver.	Action By	Action	Result
11/20/2018	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code to provide the City Manager authority to enter into pole attachment agreements for collocation of small wireless facilities on City poles

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, 50 ILCS 835 et seq., (“Act”) went into effect. This Act specifies the way local authorities may regulate the collocation of small wireless facilities to existing municipal poles in the public right-of-way and for the installation of additional poles within the public right-of-way for attaching small wireless facilities.

The Act also required municipalities to enact an ordinance to effectuate the terms of the Act. On June 19, 2018, City Council passed an ordinance amending 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 the Naperville Municipal Code to comply with the Act.

DISCUSSION:

The Act addresses the installation, mounting, maintenance, modification, operation or replacement of small wireless facilities on poles in a municipality’s right-of-way. It limits the ability of a municipality to regulate small wireless facilities that do not exceed ten (10) feet in additional height on an existing

pole. Small wireless facilities are permitted uses and not subject to zoning review or approval if they are collocated in the right-of-way in any zoning district. However, the Act does allow a municipality to propose alternate placements within 100 feet of a requested site to help ensure the integrity of the right-of-way.

Since the Act significantly restricts how the City can regulate small wireless facilities in its rights-of-way and other locations in the City, the proposed amendment is intended to simplify the process for small cell facilities by providing the City Manager with authority to enter into such agreements. This will help the City meet the approval timeframes required in the Act while efficiently managing the hundreds of pole attachment applications that are anticipated as telecommunication providers establish 5G infrastructure. A model pole attachment agreement is appended hereto.

On November 7, 2018, City Council conducted the first reading of the amendment without expressing any concerns of this proposed change.

FISCAL IMPACT:

None.