

Village of Franklin Park

9500 Belmont Avenue, Franklin Park, Illinois 60131

Building: PHONE (847)671-8245 FAX: (847)671-8790

Zoning: PHONE (847)671-8278 FAX: (847)671-6015



Small Wireless Facilities Permit Application

YOU ARE HEREBY NOTIFIED THAT A SMALL WIRELESS FACILITIES PERMIT MUST BE OBTAINED BEFORE INSTALLING A SMALL WIRELESS FACILITY TO THE PREMISES AT:

ADDRESS OF PROPERTY

DATE SUBMITTED

In Franklin Park, Illinois 60131.

Applications for permits for Small Wireless Facilities shall be obtained at the Building Department, 9500 Belmont Avenue, Franklin Park, Illinois, Second Floor. The packet must be filled out completely and returned to the Building Department with applicable fees in a timely manner. The application must be processed by both the Building Department and Zoning Department. You will be contacted by Village staff when your application has been reviewed.

The enclosed forms have been prepared to collect vital information needed by the Zoning, Engineering, Public Works, and Building Departments. The information will be used in our normal daily operation and during emergency. Information that changes during the permit application review period and the construction period authorized by the permit should be reported to the building administrator in writing.

Below is a checklist of items needed to submit a valid application:

<input type="checkbox"/> COMPLETED APPLICATION PACKET - FIVE (5) COPIES	<input type="checkbox"/> VARIANCE REQUEST (IF APPLICABLE)
<input type="checkbox"/> USE FACILITY PERMISSION LETTER (SEE LAST PAGE FOR INSTRUCTIONS)	<input type="checkbox"/> EVIDENCE OF INSURANCE
<input type="checkbox"/> SCALED SITE PLAN BASED ON PLAT OF SURVEY FROM A LICENSED STRUCTURAL ENGINEER FOR EACH PROPOSED SMALL WIRELESS FACILITY (SEE LAST PAGE FOR INSTRUCTIONS)	<input type="checkbox"/> THE EQUIPMENT TYPE AND MODEL NUMBERS FOR THE ANTENNAS AND ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE SMALL WIRELESS FACILITY
<input type="checkbox"/> SITE SPECIFIC STRUCTURAL INTEGRITY, AND FOR A MUNICIPAL UTILITY POLE, MAKE-READY ANALYSIS PREPARED BY A STRUCTURAL ENGINEER	<input type="checkbox"/> PHOTOGRAPHS OF THE PROPOSED SITE LOCATION AND ITS IMMEDIATE SURROUNDINGS
<input type="checkbox"/> APPLICATION FEE(S)	<input type="checkbox"/> A PROPOSED SCHEDULE FOR THE INSTALLATION AND COMPLETION OF EACH SMALL WIRELESS FACILITY COVERED BY THE APPLICATION, IF APPROVED

PERMIT NUMBER:	OFFICE USE ONLY	DATE & TIME CALLED/PICKED UP
NOTES: _____ _____ _____		
ZONING APPROVAL _____		
ENGINEERING APPROVAL _____		
PUBLIC WORKS APPROVAL _____		
BUILDING APPROVAL _____		
TOTAL PERMIT COST _____	CHIEF INSPECTOR INT. _____	BUILDING DIRECTOR INT. _____

PLEASE NOTE: Applications with missing information WILL NOT be accepted and WILL NOT initiate the permit application process. Any false, misleading or material omission of information shall subject any license or permit issued as a result of this application to be subject to revocation.



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Small Wireless Facilities

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APPLICANT INFORMATION

NAME OF CARRIER/WIRELESS PROVIDER: _____
CONTACT NAME: _____
MAILING ADDRESS: _____
DIRECT BUSINESS PHONE: _____
DIRECT BUSINESS FAX NUMBER: _____
DIRECT BUSINESS EMAIL: _____
NAME OF PERSON TO CONTACT FOR INSPECTION: _____
PHONE AND FAX OF PERSON TO CONTACT FOR INSPECTION: _____
APPLICANTS INTEREST IN THE WORK: _____

This information will be used by the Fire and Police Departments in case of emergency

EMERGENCY CONTACT

EMERGENCY CONTACT NAME 1: _____
EMERGENCY PHONE: (HOME) _____ (CELL) _____
EMERGENCY CONTACT EMAIL: _____
EMERGENCY CONTACT NAME 2: _____
EMERGENCY PHONE: (HOME) _____ (CELL) _____
EMERGENCY CONTACT EMAIL: _____

ADVISING/CONSULTANT CONTACT (IF APPLICABLE)

CONSULTANT NAME: _____
ADDRESS: _____
DIRECT BUSINESS PHONE: _____
DIRECT BUSINESS FAX: _____
DIRECT BUSINESS EMAIL: _____

EXISTING POLE/STRUCTURE OWNER CONTACT

EXISTING STRUCTURE OWNER: _____
STRUCTURE OWNER REPRESENTATIVE: _____
STRUCTURE OWNER'S ADDRESS: _____
STRUCTURE OWNER'S PHONE: (HOME) _____ (CELL) _____
STRUCTURE OWNER'S EMAIL: _____

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Permit Application**

EXISTING POLE/STRUCTURE INFORMATION

NEW POLE/STRUCTURE CONSTRUCTION? YES NO

STRUCTURE/POLE ID # _____

STRUCTURE/POLE HEIGHT: _____ FEET: _____ INCHES: _____

CLOSEST ADDRESS TO STRUCTURE/POLE OR BLOCK NUMBER AND STREET: _____

SOURCE OF ELECTRICITY: _____

COLOCATING? YES NO

IF THE VILLAGE IS THE SOURCE, IS IT METERED? _____

POLE COLOR: _____

EXISTING ATTACHMENT(S) ON POLE/STRUCTURE? (e.g. banners, light fixtures) YES NO

POLE/STRUCTURE ACCESS INFORMATION

INSTALLATION START DATE _____

DOES ROUTINE MAINTENANCE REQUIRE EXCAVATION* OR CLOSING OF SIDEWALKS OR VEHICULAR LANES IN THE PUBLIC
RIGHT-OF-WAY? NO YES IF YES, PLEASE PROVIDE A DESCRIPTION OF THE ACCESS REQUIREMENTS:

*If excavation takes place, please contact JULIE

GENERAL DESCRIPTION OF PROPOSED WORK

NEW EQUIPMENT AND/OR FACILITIES: SWAP-OUT OF EQUIPMENT AND/OR FACILITIES:

UPGRADE OF EXISITNG EQUIPMENT AND/OR FACILITIES: OTHER: _____

PROVIDE A DESCRIPTION OF THE PROPOSED WORK

PROVIDE THE TYPE OF EQUIPMENT AND/OR FACILITIES BEING INSTALLED

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Small Wireless Facilities Permit Application

APPLICATION FEES

AN APPLICANT SHALL PAY THE FOLLOWING APPLICATION FEES:

- INSTALLATION OF A NEW UTILITY POLE - **\$1,000.00 FOR EACH SMALL WIRELESS FACILITY ADDRESSED IN THIS APPLICATION THAT INCLUDES THE INSTALLATION OF A NEW UTILITY POLE FOR SUCH COLLOCATION.**
- APPLICATION FEE:
 - TO COLLOCATE A SINGLE SMALL WIRELESS FACILITY ON EXISTING POLE - **\$650.00**
 - ADDITIONAL SMALL WIRELESS FACILITIES - **\$350.00 EACH**

*CHECKS SHOULD BE MADE PAYABLE TO THE VILLAGE OF FRANKLIN PARK AND ARE DUE UPON SUBMITTAL

USE FACILITY PERMISSION LETTER

Please provide a USE FACILITY PERMISSION LETTER that includes the following:

- Written copies of the approval from the owner of a utility pole, monopole, or wireless support structure to collocate the proposed small wireless facility on that specific pole, tower, or structure, prior to issuance of the Village permit.

ADDRESS TO: John P. Schneider
Zoning Administrator
Village of Franklin Park
9500 W Belmont
Franklin Park, IL 60131

A Use Facility Permission Letter must be TYPED using company letterhead or logo.

PLEASE NOTE: ALL CONTRACTORS AND SUBCONTRACTORS MUST BE LICENSED AND BONDED WITHIN THE VILLAGE OF FRANKLIN PARK TO PERFORM ANY WORK, INCLUDING REQUIRED LIABILITY INSURANCE & BOND. (A SEPARATE APPLICATION MUST BE FILLED OUT FOR CONTRACTOR LICENSING)

CONTRACTOR INFORMATION

REGISTERED ELECTRICAL CONTRACTOR: _____

CONTRACTOR PHONE NUMBER: (WORK) _____ (CELL) _____

CONTRACTOR ADDRESS: _____

CONTACT PERSON NAME: _____

CONTACT PERSON PHONE NUMBER: (WORK) _____ (CELL) _____

REGISTERED AT: _____ REG #: _____ EXP. DATE: _____

REGISTERED CONTRACTOR SIGNATURE: _____

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SITE PLAN INSTRUCTIONS

Please provide ARCHITECTURAL DRAWINGS and a scaled SITE PLAN based on a plat of survey from a licensed structural engineer for each proposed small wireless facility covered by this application. This should include the following:

Subject property

- Address, dimensions and scale

Structures

- Existing with dimensions
- Proposed with dimensions

Appearance

- Size, shape, and height
- Color

Certification

- A certification of a structural engineer that the drawings, plans and specifications comply with applicable laws, codes, rules and regulations

Operations

- Defined areas in which operations will take place, including the longitude and latitude for the location(s) for which the Applicant is applying to place the small wireless facilities

Structural Analysis

- Include a structural analysis by a professional structural engineer, licensed in the State of Illinois, showing how the proposed equipment attaches to the pole and complies with Chapter 25 of the National Electric Safety Code for Utility Poles.

APPLICANT CERTIFICATION

I certify that the information provided in this application, and in all supporting plans and documents, is true and correct to the best of my knowledge and understand and agree that I have a continuing obligation to inform the Village if there is a change in any of the information contained in this application.

INITIAL

I certify that I will complete all work required by the Village of Franklin Park before starting work at the site and obtain all necessary permits for any site or building work I will undertake.

INITIAL

I certify that I have received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the small wireless facility and that I will maintain said licenses and permits within the corporate limits of the Village of Franklin Park

INITIAL

I certify that I have received and read Ordinance 1819-VC-10 and will obtain a Small Wireless Facilities Permit before doing work at the site.

INITIAL

I certify that I understand and will adhere to the requirements of section 7-12-3(h) of Ordinance 1819-VC-10 regarding abandonment of small wireless facilities.

INITIAL

I certify that I understand and will adhere to the requirements of section 7-12-3(h) of Ordinance 1819-VC-10 regarding abandonment of small wireless facilities. I further certify that I will notify the Village in writing of any intent to abandon any small wireless facility.

INITIAL

APPLICANT SIGNATURE _____ DATE _____

NAME AND TITLE OF APPLICANT _____

SUBSCRIBED AND SWORN BEFORE ME ON THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

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THE VILLAGE OF FRANKLIN PARK
COOK COUNTY, ILLINOIS

ORDINANCE

NUMBER 1819-VC- __

**AN ORDINANCE OF THE VILLAGE OF FRANKLIN PARK, COOK
COUNTY, ILLINOIS AMENDING THE VILLAGE CODE OF FRANKLIN
PARK TO PROVIDE FOR THE REGULATION OF AND APPLICATION
FOR SMALL WIRELESS FACILITIES**

BARRETT F. PEDERSEN, Village President
IRENE AVITIA, Village Clerk

JAMES CAPORUSSO
JOHN JOHNSON
CHERYL MCLEAN
WILLIAM RUHL
KAREN SPECIAL
ANDY YBARRA
Trustees

Published in pamphlet form by authority of the President and Village Clerk of the Village of Franklin Park on 07/16/18
Village of Franklin Park – 9500 Belmont Avenue - Franklin Park, Illinois 60131

ORDINANCE NUMBER 1819-VC- __

AN ORDINANCE OF THE VILLAGE OF FRANKLIN PARK, COOK COUNTY, ILLINOIS AMENDING THE VILLAGE CODE OF FRANKLIN PARK TO PROVIDE FOR THE REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

WHEREAS, the Village of Franklin Park, Cook County, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act (the “*Act*”), which became effective on June 1, 2018; and

WHEREAS, the President and Board of Trustees of the Village of Franklin Park (the “*Corporate Authorities*”) have the power and authority to amend the Village Code of Franklin Park as deemed necessary and advisable to protect the health, safety and welfare of the residents of the Village; and

WHEREAS, the Village is authorized, under existing state and federal law, to enact appropriate regulations and restrictions relative to small wireless facilities, distributed antenna systems and other personal wireless telecommunication facility installations in the public right-of-way as long as it does not conflict with state and federal law; and

WHEREAS, the Act sets forth the requirements for the collocation of small wireless facilities by local authorities; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety and welfare of the residents of the Village to provide for the regulations herein specified.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Corporate Authorities find and determine that it is necessary and desirable to amend the Village Code of Franklin Park for the purpose set forth herein and that the adoption of this Ordinance is in the best interests of the Village.

Section 3. Title 7 (“*Public Works and Properties*”) of the Village Code of Franklin Park, is hereby amended by deleting Chapter 12 (“*Small Cell Antennas or Towers in the Right-of-Way*”) in its entirety and adding the following new Chapter in its place to read, as follows:

CHAPTER 12: SMALL WIRELESS FACILITIES ON THE RIGHT-OF-WAY OR PROPERTY ZONED EXCLUSIVELY FOR COMMERCIAL OR INDUSTRIAL USE

7-12-1. PURPOSE AND SCOPE.

(a) *Purpose.* The purpose of this chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the village’s jurisdiction, or outside the rights-of-way on property zoned by the village exclusively for commercial or industrial use, in a manner that is consistent with the Act, as hereinafter defined.

(b) *Conflicts with other ordinances.* The provisions contained in this chapter supersede all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(c) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the wireless provider shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

7-12-2. DEFINITIONS.

For the purposes of this chapter, the following terms shall have the following meanings:
Act: The Small Wireless Facilities Deployment Act, Public Act 100-0585.

Antenna: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes: Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant: Any person who submits an application and is a wireless provider.

Application: A request submitted by an applicant to the village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or collocation: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service: Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications service provider: A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC: The Federal Communications Commission of the United States.

Fee: A one-time charge.

Historic district or historic landmark: A building, property, or site, or group of buildings, properties, or sites that are either (1) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (2) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law: A federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility: A small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.

Municipal utility pole: A utility pole owned or operated by the village in public rights-of-way.

Permit: A written authorization required by the village to perform an action or initiate, continue, or complete a project.

Person: An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency: The functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this state, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate: A recurring charge.

Right-of-way: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include village-owned aerial lines.

Small wireless facility: A wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (2) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (1) the structure or improvements on, under, or within which the equipment is collocated; or (2) wireline backhaul facilities, coaxial or fiber optic cable that

is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider: Any person authorized to provide telecommunications service in the state that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the village.

Wireless provider: A wireless infrastructure provider or a wireless services provider.

Wireless services: Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider: A person who provides wireless services.

Wireless support structure: A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

7-12-3. REGULATION OF SMALL WIRELESS FACILITIES.

(a) *Permitted use.* Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in subsection (c)(9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (1) in rights-of-way in any zoning district, or (2) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(b) *Permit required.* An applicant shall obtain one or more permits from the village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(1) *Application Requirements.* A wireless provider shall provide the following information to the village, together with the village's Small Wireless Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings

depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;

f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge; and

g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) *Application Process.* The village shall process applications as follows:

a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the village fails to approve or deny the application within ninety (90) days after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the village in writing of its intention to invoke the deemed approved remedy no sooner than seventy-five (75) days after the submission of a completed application. The permit shall be deemed approved on the latter of the ninetieth (90th) day after submission of the complete application or the tenth (10th) day after the receipt of the deemed approved notice by the village. The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided under this chapter.

c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the village fails to approve or deny the application within one-hundred and twenty (120) days after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the

village in writing of its intention to invoke the deemed approved remedy no sooner than one-hundred and five (105) days after the submission of a completed application. The permit shall be deemed approved on the latter of the one-hundred and twentieth (120th) day after submission of the complete application or the tenth (10th) day after the receipt of the deemed approved notice by the village. The receipt of the deemed approved notice shall not preclude the village's denial of the permit request within the time limits as provided under this chapter.

d. The village shall deny an application which does not meet the requirements of this chapter. If the village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider. The village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the village denies an application. The applicant may cure the deficiencies identified by the village and resubmit the revised application once within thirty (30) days after notice of denial is sent to the applicant without paying an additional application fee. The village shall approve or deny the revised application within thirty (30) days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty (30) days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the village's review period. The applicant must notify the village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application. Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

e. *Pole Attachment Agreement.* Within thirty (30) days after approval of an application for a permit to collocate a small wireless facility on a municipal utility pole, the village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the village for the initial collocation on a municipal utility pole by the applicant. For subsequent approved permits to collocate a small wireless facility on a municipal utility pole, the village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement. The Director of the Department of Building shall be authorized to execute the foregoing agreements without further approval by the corporate authorities of the village. Said execution by the Director shall be deemed to constitute the approval of the respective agreement by the corporate authorities.

(3) *Completeness of Application.* Within thirty (30) days after receiving an application, the village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the village must specifically identify the missing information. An application shall be deemed complete if the village fails to provide notification to the applicant within thirty (30) days after all documents, information and fees specifically enumerated in the village's permit application form are submitted by the applicant to the village.

Processing deadlines are tolled from the time the village sends the notice of incompleteness to the time the applicant provides the missing information.

(4) *Tolling.* The time period for applications may be further tolled by:

a. An express written agreement by both the applicant and the village; or

b. A local, state or federal disaster declaration or similar emergency that causes the delay.

(5) *Consolidated Applications.* An applicant seeking to collocate small wireless facilities within the jurisdiction of the village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty-five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, the village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The village may issue separate permits for each collocation that is approved in a consolidated application.

(6) *Duration of Permits.* The duration of a permit shall be for a period of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable village codes or any provision, condition or requirement contained in this chapter. If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable village code provisions or regulations in effect at the time of renewal.

(7) *Means of Submitting Applications.* Applicants shall submit applications, supporting information and notices to the village at the village hall by personal delivery or by regular mail postmarked on the date due.

(c) *Collocation Requirements and Conditions.*

(1) *Public Safety Space Reservation.* The village may reserve space on municipal utility poles for future public safety uses, for the village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the village reasonably determines that the municipal utility pole cannot accommodate both uses.

(2) *Installation and Maintenance.* The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this chapter. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small

wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

(3) *No interference with public safety communication frequencies.* The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment. Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency. If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675. The village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous sentence. Failure to remedy the interference as required herein shall constitute a public nuisance.

(4) The wireless provider shall not collocate small wireless facilities on village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole. For purposes of this subsection, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

(5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are set forth in a village ordinance, written policy adopted by the village, a comprehensive plan, or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district. At a minimum, a wireless provider shall comply with the following standards:

a. *Small wireless facilities mounted at grade.* In the event that the wireless provider proposes to install a facility where equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three (3) feet from the equipment installed at-grade and eight (8) feet from a roadway.

b. *Color.* The small wireless facility, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.

c. *Antenna panel covering.* A small wireless facility antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.

d. *Wiring and cabling.* Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect in the village. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.

e. *Grounding.* The small wireless facility must be grounded in accordance with the requirements of the electrical code currently in effect in the village.

f. *Guy wires.* No guy or other support wires will be used in connection with a small wireless facility unless the facility is to be attached to an existing utility pole, wireless support structure, or village-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.

g. *Pole extensions.* Extensions to utility poles, wireless support structures, and village-owned infrastructure utilized for the purpose of connecting a small wireless facility antenna and its related small wireless facility equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards, as set forth in the subsection entitled structural integrity. An extension must be securely bound to the utility pole, wireless support structure, or village-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

h. *Structural integrity.* The small wireless facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to village-owned infrastructure or, in the discretion of the village, for a utility pole or wireless support structure, the operator of the facility must provide the village with a structural evaluation of each specific

location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.

i. *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on a small wireless facility is prohibited.

j. *Screening.* If screening is required under subsection (6)a., it must be natural landscaping material or a fence subject to the approval of the village and must comply with all other regulations of the village. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the village, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the village, at its sole discretion, may accept a fee from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the village.

(7) *Alternate Placements.* Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one-hundred (100) feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant. If the applicant refuses a collocation proposed by the village, the applicant shall provide a written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this subsection.

(8) *Height Limitations.* The maximum height of a small wireless facility shall be no more than ten (10) feet above the utility pole or wireless support structure on which the small wireless facility is collocated. New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

a. Ten (10) feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the village, that is located within three-hundred (300) feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the village, provided the village may designate which intersecting

right-of-way within three-hundred (300) feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. Forty-five (45) feet above ground level.

(9) *Height Exceptions or Variances.* If an applicant proposes a height in excess of the above height limitations for a new or replacement pole on which the small wireless facility is proposed for collocation, the applicant shall apply for such applicable relief in conformance with the procedures, terms and conditions set forth in the applicable section or sections of this code.

(10) *Contractual Design Requirements.* The wireless provider shall comply with requirements that are imposed by a contract between the village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(11) *Ground-mounted Equipment Spacing.* The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(12) *Undergrounding Regulations.* The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

(13) *Collocation Completion Deadline.* Collocation for which a permit is granted shall be completed within one-hundred and eighty (180) days after issuance of the permit, unless the village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty (60) days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three-hundred and sixty (360) days after issuance of the permit. Otherwise, the permit shall be void unless the village grants an extension in writing to the applicant.

(d) *Application Fees.* Application fees are imposed as follows:

(1) Applicant shall pay an application fee of six-hundred and fifty dollars (\$650.00) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and three-hundred and fifty dollars (\$350.00) for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) Applicant shall pay an application fee of one thousand dollars (\$1,000.00) for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(3) Notwithstanding any contrary provision of state law or local ordinance, applications pursuant to this section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(4) The village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

a. Routine maintenance;

b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the village at least ten (10) days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of subsection d. under the section titled "Application Requirements"; or

c. The installation, placement, maintenance, operation or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

(5) Wireless providers shall secure a permit from the village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(e) *Exceptions to Applicability.* Nothing in this chapter authorizes a person to collocate small wireless facilities on:

(1) property owned by a private party or property owned or controlled by the village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are

being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act. For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this chapter shall be construed to relieve any person from any requirement to obtain a franchise or a state-issued authorization to offer cable service or video service or to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this chapter.

(f) *Pre-Existing Agreements.* Existing agreements between the village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the village's utility poles pursuant to applications submitted to the village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this chapter. A wireless provider that has an existing agreement with the village on the June 1, 2018 may accept the rates, fees and terms that the village makes available under this chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two (2) or more years after June 1, 2018 by notifying the village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the village's utility poles pursuant to applications submitted to the village before the wireless provider provides such notice and exercises its option under this subsection.

(g) *Annual Recurring Rate.* A wireless provider shall pay to the village an annual recurring rate to collocate a small wireless facility on a village utility pole located in a right-of-way that equals (1) two-hundred dollars (\$200.00) per year or (2) the actual, direct, and reasonable costs related to the wireless provider's use of space on the village utility pole. If the village has not billed the wireless provider actual and direct costs, the rate shall be two-hundred dollars (\$200.00) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(h) *Abandonment.*

(1) A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety (90) days after receipt of written notice from the village notifying the owner of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the village to the owner at the last known address of the owner. If the small wireless facility is not removed within ninety (90) days of such notice, the village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(2) A wireless provider shall provide written notice to the village if it sells or transfers small wireless facilities subject to this chapter within the jurisdictional boundary of

the village. Such notice shall include the name and contact information of the new wireless provider.

7-12-4. DISPUTE RESOLUTION.

The Circuit Court of Cook County shall have exclusive jurisdiction to resolve all disputes arising under the Act and this chapter. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the village shall allow the collocating person to collocate on its poles at annual rates of no more than two-hundred dollars (\$200.00) per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

7-12-5. INDEMNIFICATION.

A wireless provider shall indemnify and hold the village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the village or its employees or agents. A wireless provider shall further waive any claims that they may have against the village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

7-12-6. INSURANCE.

(a) A wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- (1) Property insurance for its property's replacement cost against all risks;
- (2) Workers' compensation insurance, as required by law; or

(3) Commercial general liability insurance with respect to its activities on the village improvements or rights-of-way to afford minimum protection limits consistent with the village's requirements of other users of village improvements or rights-of-way, including coverage for bodily injury and property damage. The wireless provider shall include the village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the village in a commercial general liability policy prior to the collocation of any wireless facility.

(b) A wireless provider may self-insure all or a portion of the insurance coverage and limit requirements required by the village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the naming of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the village

evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limits required by the village.

7-12-7. SEVERABILITY.

If any provision of this chapter or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this chapter is severable.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Section 6. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

ADOPTED by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois this ____ day of July 2018, pursuant to a roll call vote, as follows:

	YES	NO	ABSTAIN	ABSENT	PRESENT
CAPORUSSO					
JOHNSON					
MCLEAN					
RUHL					
SPECIAL					
YBARRA					
PRESIDENT PEDERSEN					
TOTAL					

APPROVED by the President of the Village of Franklin Park, Cook County, Illinois on this ____ day of July 2018.

 BARRETT F. PEDERSEN
 VILLAGE PRESIDENT

ATTEST:

 IRENE AVITIA
 VILLAGE CLERK