



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 6.f

Title:

Recommendation to Approve Wording Change to City Code “Small Cell Wireless Applications” Section 13.24.021 (B)

Presenter:

Tom Bruhl

Meeting: Government Services Committee

Date: January 28, 2019

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

The City and an attorney from KTJ Law presented a new ordinance section to cover Small Cell applications within City ROW in July of 2018. The approved ordinance has been added to the City Code Book. Subsequently, while reviewing a request, our attorney realized that a word in the Exemptions to Applicability section was incorrect.

B. Property owned or controlled by a unit of local government that is not located within rights-of-way (local governments are, however, required to authorize the collocation of small wireless facilities on utility poles owned or controlled by the local government ~~or~~ and not located within rights-of-way to the same extent the local government permits access to utility poles for other commercial projects or uses);

This does not materially change the intent.

Attachments *(please list):*

* Ordinance

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve Wording Change to City Code Section 13.24.021 (B).

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 13.24.021 OF THE CITY OF ST. CHARLES PUBLIC UTILITIES ORDINANCE RELATIVE TO SMALL WIRELESS FACILITIES

WHEREAS, the City of St. Charles (“City”) is a municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, Public Act 100-585, known as the Small Wireless Facilities Deployment Act, approved by the Governor on April 12, 2018, with an effective date of June 1, 2018, acts to impose certain requirements on municipalities, including the City, regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless facilities both within public rights-of-way and in other locations within the jurisdiction of the City; and

WHEREAS, the Mayor and City Council of the City recently approved amendments to the City’s Municipal Code relative to the permitting, regulation and deployment of small wireless facilities in conformance with Public Act 100-585; and

WHEREAS, the Mayor and City Council of the City now desire to clarify language in subsection 13.24.021(B) of the Municipal Code in order to correspond more directly with Public Act 100-585.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. CHARLES, DUPAGE AND KANE COUNTIES, ILLINOIS:

SECTION 1: The recitals above shall be and are incorporated in this Section 1 as if fully restated herein.

SECTION 2: Title 13 (Public Utilities) of the Municipal Code of the City of St. Charles is amended by revising subsection 13.24.021(B) to read in its entirety as follows:

SECTION 13.24.021 (B) – Exemptions to Applicability: Title 13 (Public Utilities), Chapter 13.24 (Small Wireless Facilities), Section 13.24.021 (Exemptions to Applicability) of the St. Charles Zoning Ordinance is amended by revising subsection 13.24.021.B to read in its entirety as follows:

B. Property owned or controlled by a unit of local government that is not located within rights-of-way (local governments are, however, required to authorize the collocation of small wireless facilities on utility poles owned or controlled by the local government ~~or~~ **and not** located within rights-of-way to the same extent the local government permits access to utility poles for other commercial projects or uses);

SECTION 3: All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 4: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the City Code, as amended, shall remain in full force and effect.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication in the manner required by law.

ADOPTED this _____ day of _____, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2019, and attested to by the City Clerk this same day.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
COUNTY OF KANE)

CLERK'S CERTIFICATE

I, Charles Amenta, Clerk of the City of St. Charles, in the Counties of DuPage and Kane and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 13.24.021 OF THE CITY OF ST. CHARLES PUBLIC UTILITIES ORDINANCE RELATIVE TO SMALL WIRELESS FACILITIES

which Ordinance was passed by the City Council of the City of St. Charles at a Regular City Council Meeting on the ___ day of _____, 2019, at which meeting a quorum was present, and approved by the Mayor of the City of St. Charles on the ___ day of _____, 2019.

I further certify that the vote on the question of the passage of said Ordinance by the City Council of the City of St. Charles was taken by Ayes and Nays and recorded in the minutes of the City Council of the City of St. Charles, and that the result of said vote was as follows, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of St. Charles, this ___ day of _____, 2019.

City Clerk

[SEAL]