



Agenda Item Summary

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Submitted By

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Reviewed By

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Agenda Item Title

First Reading of An Ordinance Providing for the Regulation and Application for Small Wireless Facilities by Amending Chapter 22 ("Streets and Sidewalks") of the Oak Park Village Code to Add a New Article 14 ("Small Wireless Facilities")

Overview

Pursuant to the State of Illinois' Small Wireless Facilities Deployment Act, the Village is required to adopt requirements for the collocation of small wireless facilities in the public right-of-way on or before August 1, 2018.

Staff Recommendation

This is a first reading.

Fiscal Impact

The fiscal impact is unknown and will be based on the amount of applications the Village receives to collocate small wireless facilities in the public rights-of-way.

Background

Public Act 100-585, known as the "Small Wireless Facilities Deployment Act" (the "Act") went into effect on June 1, 2018 and is attached. The Act provides for the regulations and process for permitting and deploying small wireless facilities throughout Illinois. The Act specifies how local authorities may regulate the attachment of small wireless facilities on municipal utility poles or other structures. The draft ordinance has been prepared pursuant to the Act and is based in part on a model ordinance distributed by the Illinois Municipal League.

While the Act largely preempts the Village's home rule authority, municipalities still have some discretion for small wireless facilities regulations. The Act allows local authorities to require that wireless providers obtain one or more permits to attach small wireless facilities on municipal utility poles; charge application fees up to specified amounts to wireless providers who apply for a permit; limit the maximum height of small wireless facilities; and allows agreements between municipalities and providers that are in effect prior to June 1, 2018 to remain in effect for up to two years.

Municipalities have two months from the effective date to adopt application fees through an ordinance or a

written schedule of permit fees. Thus, a second reading and adoption of the ordinance would take place at the July 23, 2018 Board meeting.

The Village has begun receiving inquiries regarding permit application from telecommunications companies who are seeking to install small wireless facilities on Village utility poles. Actual permit applications received prior to August 1, 2018 (two months after the effective date of the Act), would be acknowledged as received on the effective date of an ordinance adopted by the Village or August 1, 2018, whichever date is earlier.

According to the Act, in the absence of an ordinance or agreement that makes available to wireless providers the rates, fees and term of the attachment of small wireless facilities on Village utility poles, wireless providers may attach small wireless facilities and install utility poles under the requirements of the Act on their own accord. Thus, it is imperative that the Village adopt an ordinance prior to the August 1, 2018 deadline.

Alternatives

Waive first reading and adopt the Ordinance.

Previous Board Action

N/A.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

N/A.

Intergovernmental Cooperation Opportunities

N/A.

Performance Management (MAP) Alignment

The Law Department does not yet participate in the MAP Program.