

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (STREETS AND SIDEWALKS), CHAPTER 12.28 (CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY), SECTIONS 12.28.150 AND 12.28.230 OF THE CITY OF CREST HILL CODE OF ORDINANCES

WHEREAS, the City of Crest Hill is authorized by Section 11-80-2 of the Illinois Municipal Code to regulate the use of its streets and rights of way (65 ILCS 5/11-80-2); and

WHEREAS, the City of Crest Hill has previously exercised said authority by adopting Title 12 of its Code of Ordinances which contains a comprehensive set of regulations regarding the use of streets and sidewalks in the City of Crest Hill along with a comprehensive set of regulations governing the construction of utility facilities within the City's Right-of-Way; and

WHEREAS, pursuant to its express authority granted by the Illinois Municipal Code, the City of Crest Hill has from time to time deemed it necessary to amend its Code of Ordinances; and

WHEREAS, on December 1, 2025, the Corporate Authorities passed Ordinance No. 2042 which amended the entirety of Chapter 12.28 of Title 12 of the Crest Hill Code of Ordinances relating to construction of utility facilities in the city rights-of-way, and included a set of regulations governing the construction of fiber optic and small wireless facilities; and

WHEREAS, the Corporate Authorities have determined that Sections 12.28.150 and 12.28.230 should be amended to correct certain minor citations to other sections of the Code and correct a scrivener's error.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Illinois, as follows:

SECTION 1: PREAMBLE. The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

SECTION 2: APPROVAL. Sections 12.28.150 and 12.28.230 of Chapter 12.28 (Construction of Utility Facilities in the Rights-of-Way), Title 12 (Streets and Sidewalks) of the City of Crest Hill Code of Ordinances are hereby repealed in their entirety and replaced as follows:

§ 12.28.150 LOCATION OF FACILITIES.

(A) As part of the permit process, the owners of the facility being installed shall gain approval from the City for the locations of utility facilities within public right of way and the location and size of cabinets and handhole being installed. The city shall have the right to control the location of these items in its right of way in order to not interfere with current or future city facilities or future or existing private utilities.

(B) General requirements. In addition to location requirements

applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

(1) No interference with city facilities. No utility facilities shall be placed in any location if the City Public Works Director or his/her designee determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city's utility facilities.

(2) Minimum interference and impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) No interference with travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) No limitations on visibility. No utility facility shall be placed in any location to limit visibility of or by users of the right-of-way.

(5) Size of utility facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(C) Parallel facilities located within highways.

(1) Underground parallel facilities required. Unless preemptive state law or a franchise grants the utility the right to locate parallel facilities above ground or unless a variance is otherwise granted as hereinafter provided, all utility facilities located in that portion of a right-of-way parallel to a highway or street shall be located underground.

(2) Underground parallel facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:

(a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4m) from and parallel to the right-of-way line;

(b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (such as a new cable may be installed in existing conduit without disrupting the pavement); and

(c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above-

grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(3) Overhead parallel facilities. An overhead parallel facility may be located within the right-of-way lines of a highway or street only if:

(a) The design materials and construction methods will provide maximum maintenance-free service life;

(b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

(d) No pole is located in the ditch line of a highway; and

(e) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(D) Facilities crossing highways.

(1) Underground crossing facilities required. Unless preemptive state law or a franchise grants the utility the right to locate crossing facilities aboveground or unless a variance is granted as hereinafter provided, all utility facilities that cross a highway right-of-way shall be located underground.

(2) No future disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of city highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(3) Cattle passes, culverts, or drainage facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(4) Ninety-degree crossing required. Crossing facilities shall cross at or as near to a 90-degree angle to the centerline as practicable.

(5) Overhead power or communication facility. If a variance has been granted, an overhead power or communication facility may cross a highway only if:

(a) It has a minimum vertical line clearance as required by

ICC's rules entitled, "Construction of Electric Power and Communication Lines" (Ill. Adm. Code Ch. 83, 305);

(b) Poles are located within one foot of the right-of-way line of the highway and outside of the clear zone; and

(c) Overhead crossings at major intersections are avoided.

(6) Underground power or communication facility. An underground power or communication facility may cross a highway only if:

(a) The design materials and construction methods will provide maximum maintenance-free service life; and

(b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(7) Markers. The city may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations. (49 C.F.R. §192.707 (1989)).

(E) Facilities to be located within particular rights-of-way. The city may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(F) Freestanding facilities.

(1) Immediately upon filing a permit application which includes a freestanding facility, the utility shall meet with the Public Works Director or his/her designee and schedule an on-site review. In accordance with the standards and purposes of this chapter, the city may restrict the location and size of any freestanding facility located within a right-of-way, as appropriate to mitigate the impact upon the right-of-way and adjoining property.

(2) The city may require any freestanding facility located within a right-of-way to be screened from view.

(G) Facilities installed above ground. Above ground facilities, including freestanding facilities, may be installed only if:

(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will

employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is prohibited unless the Public Works Director or his/her designee makes a written finding that it is impracticable to use existing utility poles and light standards.

(H) Facility attachments to bridges or roadway structures.

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(a) The type, volume, pressure, or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

(b) The type, length, value, and relative importance of the highway structure in the transportation system;

(c) The alternative routings available to the utility and their comparative practicability;

(d) The proposed method of attachment;

(e) The ability of the structure to bear the increased load of the proposed facility;

(f) The degree of interference with bridge maintenance and painting;

(g) The effect on the visual quality of the structure; and

(h) The public benefit expected from the utility service as compared to the risk involved.

(i) Appearance standards.

(j) The city may prohibit the installation of facilities in particular locations to preserve visual quality.

(3) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

§ 12.28.230 SMALL WIRELESS FACILITIES.

A. Purpose: The purpose of this section is to establish standards for the location, installation, and maintenance of small wireless facilities in compliance with the Illinois Small Wireless Facilities Deployment Act 1 and City standards. Small wireless facilities shall be subject to the requirements of this section, this chapter, and Federal law.

B. Definitions: Words or phrases in this section that are not defined in this subsection B or in section 12.28-020 of this chapter shall have the meanings ascribed to them in the Illinois Small Wireless Facilities Deployment Act. The following words and phrases have the meanings ascribed to them:

ANTENNA: Means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

COLLOCATE OR COLLOCATION: Means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

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

RIGHT-OF-WAY OR ROW: For the purposes of collocation of small wireless facilities, means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use, and does not include City-owned aerial lines.

SWF ACT: Means the Illinois Small Wireless Facilities Deployment Act, 50 Illinois Compiled Statutes 835/1 et seq.

SMALL WIRELESS FACILITY OR SWF: Means 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: Means a pole or similar structure that is used in whole or in part by communications service provider or for electric distribution, lighting, traffic control, or a similar function.

WIRELESS FACILITY: Means 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 the structure or improvements on, under, or within which the equipment is collocated or 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: Means any entity 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 City.

WIRELESS PROVIDER: Means a wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES: Means 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, using wireless facilities.

WIRELESS SERVICES PROVIDER: Means an entity that provides wireless services.

WIRELESS SUPPORT STRUCTURE: Means 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.

C. Permit Required: No SWF may be installed within the City unless a permit is first obtained in accordance with the provisions of this chapter; provided, however, that micro-wireless facilities may be subject to the limited permitting requirements of subsection Q of this section.

D. Permit Application: All applicants for a permit to install an SWF within the City must submit a written permit application to the Director of Public Works by personal delivery, on a form provided by the City. The permit application must include the following information and the information required by section 12.28.040 of this chapter, as applicable:

1. Contact Information: The names and contact information of the wireless services provider and the wireless infrastructure provider if any.

2. Description: A description and depiction of the wireless services provider's existing SWFs located within the City.

3. Location, Photographs: The location where each proposed small wireless facility or utility pole would be installed, including photographs of the location and its surroundings, depicting the utility poles or structures on which each proposed small wireless facility would be mounted or the location where a utility pole would be installed.

4. Specifications, Drawings: Specifications and drawings prepared by a licensed professional structural engineer for each proposed SWF as it is proposed to be installed, with a certification that each SWF complies with all applicable size and location standards.

5. Structural Analysis: A site-specific structural analysis for each location by a licensed professional structural engineer as well as any make-ready analysis for a City utility pole that includes addressing the acceptability of the site for factors such as pole loading from existing utility equipment and conductors as well as the small wireless facility.

6. Equipment, Model Numbers: The equipment type and model numbers for the antennas and all other wireless equipment associated with each proposed SWF.

7. Number: The total number of SWFs the wireless services provider estimates it will seek within the City.

8. Schedule: A proposed schedule for the installation and completion of each proposed SWF, if approved.

9. **Proof Of Insurance:** Proof of insurance coverage of the types and amount set forth in section 12.28.080 of this chapter.

10. **Certification Of SWF Act Compliance:** A certification that the proposed SWF complies with subsection 15(d)(6) of the SWF Act and this chapter.

11. **Application Fees:** An application fee in the amount established in the amount of: (a) six hundred fifty dollars (\$650.00) for a single SWF, or (b) three hundred fifty dollars (\$350.00) for each proposed SWF if the application includes two (2) or more SWFs, or c) one thousand dollars (\$1,000.00) for each SWF that includes the installation of a new utility pole.

12. **Owner, Co-Owner Certification:** A certification from the owner or co-owner of the utility pole or wireless support structure that the owner or co-owner has approved installation of an SWF on the utility pole or wireless support structure.

E. **Review Of Application:** Applications will be reviewed in accordance with the following process, except that the Director of Public Works may alter the review process for an application as appropriate based on the elements of that application; provided, however, that the review process will be consistent with the SWF Act:

1. **Determination Of Completeness:** Within thirty (30) days after an application is filed, the Director of Public Works will determine whether the application is complete. The Director of Public Works will notify the applicant of his or her determination. If an application is not complete, then the Director of Public Works will identify the missing information.

2. **Processing Time Period:** The Director of Public Works will process a complete application to collocate: (a) an SWF on an existing utility pole or wireless support structure within ninety (90) days, and (b) an SWF on a new utility pole within one hundred twenty (120) days.

3. **Approvals; Permits; Duration:** The Director of Public Works will approve an application and issue a permit if it meets all requirements of the SWF Act and applicable City Code requirements. All collocation under the permit must be completed within one hundred eighty (180) days after issuance of the permit, unless otherwise mutually agreed or for reasons authorized under the SWF Act. A permit is valid for five (5) years.

4. **Renewal:** When the permit expires, the City will renew the permit except if the City determines the SWF does not conform to any applicable Federal, State, or local code or regulation. The wireless provider must provide all reports, plans, and other documents and data necessary for the City to determine conformance of the SWF.

5. **Denial:** The Director of Public Works will deny an application if it does not meet all requirements of the SWF Act and applicable requirements of this Code. The Director of Public Works will notify the applicant of the denial and

the reason or reasons for the denial.

6. Extensions Of Time: The time period for applications may be tolled by express written agreement of the applicant and the City or a local, State, or Federal disaster declaration or similar emergency that causes the delay.

F. Guidance On SWF Locations: Based on various factors including, among others, public safety, existing utility poles and wireless facilities, and potential adverse impacts, the applicant must consider collocation in these locations, with the items listed from most preferable to least preferable:

1. Public Utilities' Poles: Utility poles owned or maintained by ComEd or other public utilities.

2. City Poles: City-owned utility poles other than light poles or standards (whether existing or to be installed) in the following order of priority: a) within an arterial street right-of-way, b) within a parking lot or on other property related to a governmental or institutional use, and c) within a collector street right-of-way.

3. Privately Owned Poles: Privately-owned utility poles, but only in locations approved by the City.

4. City Light Poles: City-owned light poles or standards (whether existing or to be installed) in the following priority: a) within an arterial street right-of-way, b) within a parking lot or on other property related to a governmental or institutional use, and c) within a collector street right-of-way.

5. Other Poles; Nonresidential: Utility poles, regardless of ownership, located in a rear yard (or abutting easement) of any non-residential property.

6. Other Poles; Residential: Utility poles, regardless of ownership, located in a rear yard (or abutting easement) of any residential dwelling.

G. Decorative Utility Poles; Concealment Of SWF: If the Director of Public Works determines that an SWF proposed by the applicant would have an unduly adverse impact on the abutting area unless the SWF is collocated on a decorative pole or is concealed, then the Director of Public Works may require, as a condition of approval of that SWF, a decorative utility pole or concealment. The Director of Public Works or a designee may meet with the applicant to determine the plans for the SWF under that circumstance. If an agreement on plans cannot be reached, then the Director of Public Works may deny the permit for that proposed SWF.

H. Prohibited Locations: SWFs are prohibited at the following locations except as otherwise required by applicable law:

1. Residential Property: On any property classified in a residential district under the City's zoning ordinance.

2. Private Property: On any privately-owned property except with the approval of the City.

3. Government Property: On any property owned or controlled by a unit of local government that is not located within rights-of-way, except with the permission of the local government and approval of the City.

4. **Poles With Equipment:** On any utility pole that includes equipment such as capacitor banks, transformers, cable terminals, cable rises, fuses, or disconnects.

I. Size, Height, And Location of Components:

1. **Volume:** No element of an SWF may exceed six (6) cubic feet in volume and all other wireless equipment attached directly to a utility pole associated with the SWF is cumulatively not more than twenty-five (25) cubic feet.

2. **Height Above Pole:** No element of an SWF may extend more than ten feet (10') above a utility pole or wireless support structure on which it is collocated.

3. **New Utility Pole, Wireless Support Structure Height:** A new or replacement utility pole or a new wireless support structure on which an SWF will be collocated may not exceed the higher of: a) ten feet (10') in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place as of the date the application is submitted to the City, that is located within three hundred feet (300') of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the City, or b) forty five feet (45') above ground level.

4. **New Utility Pole Location:** No new utility pole may be constructed for an SWF within one hundred feet (100') of an existing utility pole that the applicant may use on reasonable terms and conditions and without undue technical limits or undue additional costs.

J. Color: Antennas and equipment cabinets must be in colors harmonious with, and that blend with, the natural features, buildings and structures that surround such antenna and supporting structures, as well as the utility poles or wireless support structures to which they are attached, as determined by the Director of Public Works. Any wiring or cables must be covered with an appropriate cover.

K. Landscaping: The immediate area around any ground-mounted equipment or cabinets must be landscaped in a manner that largely screens the equipment and cabinets.

L. Safety Requirements:

1. **Mounting Strength:** The strength and sufficiency of the support structure, and the mounting of the antenna and related equipment must be verified and stamped by a licensed structural engineer on the drawing required under subsection D of this section.

2. **Guy Wires Prohibited:** No guy wire or other support wires may be used in connection with an SWF antenna or its related equipment except for preexisting guy wires or other support wires on a preexisting wireless support structure.

3. **Grounding:** An SWF antenna and related structure must be bonded to a ground rod.

4. **Emergency Disconnection:** An SWF antenna must have an emergency disconnect.

5. **Lighting:** No SWF may be lighted unless required by the Federal Aviation Administration or other Federal or State agency with jurisdiction and authority.
6. **Signs And Advertising:** Unless required by Federal or State law, or by a rule of a Federal or State regulatory agency with jurisdiction and authority, no markings, signs, or advertising of any kind may be placed on any SWF component except unobtrusive identification or location markings.
7. **Building Codes and Safety Standards:** An SWF must meet or exceed: a) all requirements of this Code, b) all other applicable local and State Building Codes and Electrical Codes, c) and industry standards.
8. **Regulatory Compliance:** Each SWF and wireless facility must meet or exceed current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other Federal or State agency with jurisdiction and authority.
9. **Utility Worker Safety:** Prior to the commencement of SWF construction, the wireless provider must provide the City with any required safety precautions for individuals working on or near the SWF. If refresher training, personal protective equipment, or tools are required for safety purposes related to an SWF collocated on a City-owned utility pole, then the wireless services provider must reimburse the City for all its actual costs of those elements.
10. The permit package shall include a NIER report that shows that the installation is within the 1998 health laws governing emissions.

M. **IDOT, Will County Approvals:** The applicant must provide proof of concurrence of IDOT or Will County for the use of City utility poles located on State or County roads.

N. **Abandonment:** Any SWF that has been abandoned or is being used for a purpose other than its original purpose must be removed at the owner's expense. Abandonment includes, without limitation, any SWF that is not operated for a continuous period of twelve (12) months or is otherwise out of operation or repair for any reason, or used for a purpose other than its original purpose. Notice to the owner of the facility must be given in compliance with the requirements of the SWF Act, and the owner must remove the facility within ninety (90) days of such notice.

O. **Collocation On City Utility Poles:**

1. **Rates And Fees for Use of City Utility Pole:** The City will set and charge nondiscriminatory rates and fees for collocation on City utility poles. The City will keep a written schedule of rates and fees in the Office of the City Clerk.

2. **Annual Rate:** Each wireless services provider must pay an annual fee of two hundred dollars (\$200.00) for each SWF located on a City utility pole in right-of-way or the actual, direct, and reasonable costs related to the wireless provider's use of space on the City's utility pole and an annual fee of three thousand six hundred dollars (\$3,600.00) for each SWF on City property not located in right-of-way.

3. **Operating Agreement:** Prior to commencement of SWF construction on a City-owned utility pole, the owner must develop an operating agreement satisfactory to the Director of Public Works. The agreement must include protocols for emergency response and for maintenance of the utility pole and include emergency contacts, a contact for public inquiries, the utility billing address, and the legal address of the wireless services provider.

P. **SWF Equipment Replacement:** The wireless provider must notify the City at least ten (10) days prior to a planned equipment replacement and provide the equipment specifications. The replacement equipment must be the same size and/or smaller than the original installation.

Q. **Right-Of-Way Permit:** The wireless provider must secure a permit for any activities in the right-of-way that affect traffic patterns or require lane closures.

R. **General Standards:**

1. **No Interference:** Every wireless provider's operation of a wireless facility must not interfere with the frequencies used by any public safety agency for public safety communications. The wireless provider must install SWFs of the type and frequency that will not cause interference with any 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.

2. **Curing Interference:** If an SWF causes interference and the wireless provider has been given written notice of the interference by the City or public safety agency, then the wireless provider, at its expense, must take all reasonable steps necessary to correct and eliminate the interference, including, without limitation, powering down the SWF and later powering it up for intermittent testing, if necessary. The City may terminate a permit for an SWF based on interference if the wireless provider is not making a good faith effort to remedy the problem 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.

3. **Compliance With Contract Terms:** Every wireless provider must comply with all requirements imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and to ground-mounted equipment located in right-of-way.

4. **Spacing:** Every wireless provider must comply with spacing requirements in this section or any other applicable City code or ordinance concerning the location of ground-mounted equipment located in the right-of-way. A wireless provider may apply for a variation of a spacing requirement.

5. **Undergrounding:** Every wireless provider must comply with all City codes and regulations regarding undergrounding of utilities and facilities that prohibit installation of new, or modification of existing, utility poles in a right-of-way. A

wireless provider may apply for a variation of an undergrounding requirement.

6. **General City Standards:** Every wireless provider must comply with generally applicable City standards for construction and public safety in the rights-of-way, including, without limitation, wiring and cabling requirements, grounding requirements, utility pole extension requirements, and sign restrictions. Every wireless provider must comply with all City regulations applicable to the location, size, surface area and height of wireless facilities and the abandonment and removal of SWFs.

7. **Poles For Electricity Distribution:** No wireless services provider may collocate an SWF on a City utility pole that is part of an electricity distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the utility pole, except that the antenna and support equipment of the SWF may be located in the communications space on the City's utility pole and on the top of the utility pole if no other utility pole is available and the wireless provider complies with applicable codes for work involving the top of the utility pole. The terms "communications space", "communication worker safety zone", and "electric supply zone" shall have the meanings contained in the National Electric Safety Code.

8. **Public Safety Codes:** Every wireless provider must comply with all applicable State, County, and City codes, ordinances, and regulations that concern public safety.

9. **Decorative, Stealth, And Concealment Standards:** Every wireless provider must comply with the City's generally applicable written standards for decorative utility poles, and the City's generally applicable standards regarding stealth, concealment, and aesthetics governing occupiers of the right-of-way, including the City's design or concealment measures in a historic district or regarding a historic landmark.

10. **Insurance:** Every wireless provider must provide insurance as provided in section 12.28.080 of this chapter.

11. **Indemnification:** Every wireless provider must indemnify the City as provided in section 12.28.090 of this chapter.

S. Installation And Maintenance of Wireless Facilities: Each wireless provider must construct, install, and maintain all wireless facilities in accordance with the standards set forth in this chapter. (Ord. O2018-29, 7-16-2018)

SECTION 3: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any other provision of this Ordinance.

SECTION 4: REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage and publication according to law.

PASSED THIS 18TH DAY OF MAY, 2026.

	Aye	Nay	Absent	Abstain
Alderman Scott Dyke	_____	_____	_____	_____
Alderman Angelo Deserio	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 18TH DAY OF MAY, 2026.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk