



Lake County Illinois

Legislation Text

File #: 18-0757, **Version:** 1

Ordinance amending Chapter 91 of the Lake County Code of Ordinances (Highway Temporary Closure and Utility and Facility Placement Ordinance) to include Section 91.200 (Wireless Telecommunication Facilities Ordinance) providing for the regulation of and application for Small Wireless Facilities in County Rights-of-Way.

- Public Act 100-0585, Small Wireless Facilities Deployment Act, (the “Act”) was enacted on June 1, 2018 and requires local agencies to adopt an ordinance in accordance with the requirements of the Act by August 1.
- The Act sets forth terms, conditions, and fee structure for the placement of small wireless facilities within public rights-of-way and collocation on local agency infrastructure including traffic signals and street lights.
- The ordinance emphasizes the requirement that applicants perform all necessary structural analyses to confirm collocating on County-owned infrastructure is safe and/or provide the necessary make ready analysis to ensure safety of the public.
- The ordinance requires prior written approval, including structural sign-off, from owners of non-county infrastructure for the collocation of wireless telecommunication facilities on their pole/structure.
- The ordinance requires wireless providers who desire to collocate on County-owned infrastructure to enter into Pole Attachment Agreements which set forth the annual recurring rate per installation (\$200 per year), terms of the collocation, and other requirements.

AN ORDINANCE AMENDING THE LAKE COUNTY CODE RELATIVE TO WIRELESS TELECOMMUNICATION FACILITIES IN COUNTY RIGHTS-OF-WAY

WHEREAS, the County of Lake (“County”) is empowered to receive or otherwise establish and have the care and custody of all the real estate owned by the County including the roadways and the trail systems pursuant to 55 ILCS 5/5-1015; and

WHEREAS, the County is empowered to consent to the use of its rights-of-way by public utility companies and others pursuant to 605 ILCS 5/9-113; and

WHEREAS, telecommunications providers have placed, or from time to time may request to place, certain telecommunication facilities in the County Highway rights-of-way; and

WHEREAS, the Lake County Board enacted the County code-of-ordinances, Chapter 91 (HIGHWAY TEMPORARY CLOSURE AND UTILITY AND FACILITY PLACEMENT ORDINANCE); to establish generally applicable standards for construction, installation, use, maintenance and repair of utility facilities on, over, above, along, upon, under, across, or within, the public rights-of-way; and

WHEREAS, while State and federal law limit the authority of local governments to enact laws that prohibit or have the effect of prohibiting telecommunications services, the County has the power, under existing State and federal law, to approve appropriate regulations and restrictions relative to small cell, distributed antenna systems and other wireless telecommunication facility installations in

the public rights-of-way as long as these regulations and restrictions are consistent with recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act (“the Act”); and

WHEREAS, in light of the anticipated increased demand for placement of small cell facilities, distributed antenna system facilities and other wireless telecommunication facility installations within the public rights-of-way, the County Board finds and determines that it is necessary to and in the best interests of the public health, safety and general welfare to adopt the Ordinance below in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities and installations within the County Highway rights-of-way, so as to, among other things, (i) prevent interference with the facilities and operations of the County’s infrastructure and of other utilities lawfully located in public rights-of-way or property, (ii) provide specific regulations and standards for the placement and siting of wireless telecommunication facilities within County rights-of-way, (iii) preserve the character of the areas in which facilities are installed, (iv) minimize any adverse visual impact of wireless telecommunication facilities and prevent visual blight, (v) facilitate the location of wireless telecommunication facilities in permitted locations within the County Highway rights-of-way, and (vi) assure the continued safe use and enjoyment of properties adjacent to wireless telecommunication facilities locations.

NOW THEREFORE BE IT ORDAINED by the County Board, Lake County, Illinois as follows:
Recitals - The foregoing recitals are incorporated into this Ordinance by this reference as findings of the County Board.

BE IT FURTHER ORDAINED that the Lake County Code is amended by adding Section 91.200 (Wireless Telecommunication Facilities Ordinance) to Chapter 91 (HIGHWAY TEMPORARY CLOSURE AND UTILITY AND FACILITY PLACEMENT ORDINANCE), as identified in the attached exhibit.

DATED at Waukegan, Illinois on July 10, 2018.