



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 18-4997, **Version:** 1

PROPOSED ORDINANCE (TRANSPORTATION AND HIGHWAYS)

AN ORDINANCE RELATIVE TO WIRELESS TELECOMMUNICATION FACILITIES IN COUNTY RIGHTS-OF-WAY

WHEREAS, the County of Cook (“County”) is empowered to take and have the care and custody of all real estate owned by the County, including the roadways and 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, on June 19, 2007, the Cook County Board of Commissioners enacted Ord. No. 07-O-33, the Cook County Public Way Regulatory Ordinance, in order to provide policies and procedures for the regulation of the use of County public ways for the construction, reconstruction, ownership, replacement, relocation, modification, maintenance, upgrading, operation and removal of facilities, including but not limited to public utility, pipeline, telecommunication, cable television, electric, gas, water, wastewater, petroleum product facilities, driveways, curb cuts, and other facilities; and provide for recovery of costs incurred by the County for licensing, permitting, inspecting, monitoring and regulating such uses of the public ways in order to provide for the public safety and interest; 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.

BE IT ORDAINED, by the Cook County Board of Commissioners, that the foregoing recitals are incorporated into this Ordinance by this reference as findings of the County Board; and that Chapter 66 Roads and Bridges, Article V Wireless Telecommunication Services and Facilities of the Cook County Code is hereby enacted as Follows:

Sec. 66-132. Title.

Sec. 66-133. Enabling statute.

Sec. 66-134. Definitions

Sec. 66-135. Regulations and standards.

Sec. 66-136. Permitting requirements.

Sec. 66-137. Permit fees.

Sec. 66-138. Adjustments or relocations of wireless telecommunication facilities.

Sec. 66-139. Damage to wireless telecommunications facility.

Sec. 66-140. Damage to County infrastructure or property.

Sec. 66-141. Variance requirements.

Sec. 66-142. Abandonment and removal.

Sec. 66-143. County wireless telecommunication facilities.

Sec. 66-144. No implied warranties.

Sec. 66-145. Hold harmless agreement.

Sec. 66-146. Severability.

Effective date: This ordinance shall be in effect upon adoption.

Full Text of Ordinance: <https://tinyurl.com/yagezm7a>