

ORDINANCE NO. 20-08-19

AN ORDINANCE AMENDING SECTION 60.5 OF THE  
VILLAGE CODE OF THE VILLAGE OF CLARENDON HILLS RELATIVE TO NOTICE OF  
APPLICATIONS FOR SMALL WIRELESS FACILITIES

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**WHEREAS**, Public Act 100-585, known as the Small Wireless Facilities Deployment Act (50 ILCS 840/1 et seq.), acts to impose certain requirements on municipalities, including the Village of Clarendon Hills (the "Village"), 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 Village; and

**WHEREAS**, the President and Board of Trustees of the Village of Clarendon Hills have previously made certain amendments to the Clarendon Hills Village Code, as amended, by adopting, in Ordinance No. 18-07-20 (the "Small Wireless Facilities Ordinance"), a new Chapter 60 (Small Wireless Facilities) relative to the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of small wireless facilities both within the public rights-of-way and in certain other locations within the jurisdiction of the Village; and

**WHEREAS**, the President and Board of Trustees recently made further amendments to the Small Wireless Facilities Ordinance in Ordinance No. 20-04-15; and

**WHEREAS**, as a result of further discussion, the President and Board of Trustees desire to make additional amendments to the Small Cell Ordinance relative to wireless service providers providing notice of applications to nearby residents at the time of filing (the "Code Amendment"); and

**WHEREAS**, pursuant to the authority granted to the Village by the applicable provisions of the Illinois Municipal Code (65 ILCS 5/ et seq.), including Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 et seq.), Article VII, Section 7 of the Illinois Constitution of 1970, and Public Act 100-585 (the Small Wireless Facilities Deployment Act), the President and Board of Trustees of the Village of Clarendon Hills find that the below Code Amendment is in the best interests of the Village, its residents, property owners, business owners and the public, and they approve the Code Amendment as set forth below.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CLARENDON HILLS, DU PAGE COUNTY, ILLINOIS:**

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

**SECTION 2:** Section 60.5 (Permits; Application Process) of Chapter 60 (Small Wireless Facilities) of the Clarendon Hills Village Code is amended by adding a new subsection (A)(19) and revising subsections (B) and (C) as follows:

**60.5 Permits; Application Process:**

Unless otherwise specifically exempted in this chapter, a permit to collocate a small wireless facility within the Village is required in all cases. Permits are subject to the following:

A. Permit Applications: Permit applications for the collocation of small wireless facilities shall be made on a form provided by the Village for such purpose. In addition to any generally applicable information required of other communications service providers or for other installations in the public right-of-way, applicants must, when requesting to collocate small wireless facilities on a utility pole or wireless support structure, provide the following information:

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(19) A sample of the proposed notice to be mailed pursuant to subsection B., below, and a list of intended recipients (including content and mailing envelope).

B. Notice: Within three (3) business days of submission of an application containing all information required by this chapter and any associated regulations, an applicant, at its sole cost and expense, shall provide written notice, by first class United States mail, to the owners and occupants of all real property at the addresses on file with the United States Postal office, and the residential manager for any multi-family dwelling unit that includes ten (10) or more units at the manager's business mailing address, any part of which is located within a two hundred and fifty (250) foot radius of the location of the applicant's proposed small wireless facility. Such notice shall be in a form provided by the Village, as may be revised from time to time, and shall be clearly marked as a notification of proposed small wireless facility installation, identify the applicant and wireless provider(s) who will utilize the facility, and include a plain language description of the proposed facility, photo simulations or illustrations depicting the proposed wireless facility, and the address where comments may be sent to the wireless provider within fifteen (15) calendar days of the date of the notice. The applicant shall supplement its application with proof of mailing of required notices no less than two calendar (2) days after mailing of the notices.

C. Means of Submission; Multiple Applications for Same Location: Permit applications, along with all supporting information, for the collocation of small wireless facilities shall be submitted by personal delivery or by other means approved by the Village. Multiple applications for collocation on the same utility pole or wireless support structure shall be processed based on a first fully complete application, first-served basis.

C. Multiple Applications for Same Location: Multiple applications for collocation on the same utility pole or wireless support structure shall be processed based on a first fully complete application, first-served basis.

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

**SECTION 4:** Except as to the Code Amendment set forth above in this Ordinance, all Chapters and Sections of the Village 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 pamphlet form as provided by law.

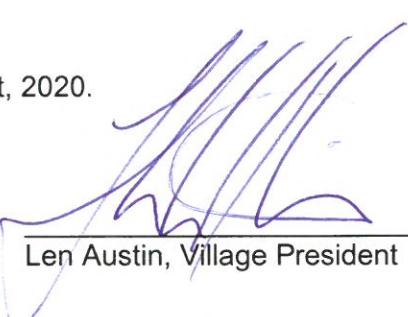
**ADOPTED** this 17<sup>th</sup> day of August, 2020 pursuant to roll call vote as follows:

AYES: Trustees DeDobbelaeere, Freve, Hall, Jordan, and Knoll

NAYS: None

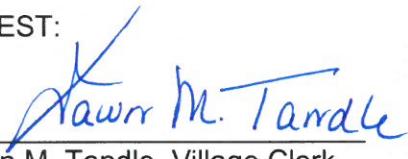
ABSENT: Trustee Jorissen

**APPROVED** by me this 17th day of August, 2020.



Len Austin, Village President

ATTEST:



Dawn M. Tandle

Dawn M. Tandle, Village Clerk

Published in pamphlet form: August 18, 2020



STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS  
                    )

**CLERK'S CERTIFICATE**

I, Dawn M. Tandle, Clerk of the Village of Clarendon Hills, in the County of DuPage 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. 20-08-19**

**AN ORDINANCE AMENDING SECTION 60.5 OF THE  
VILLAGE CODE OF THE VILLAGE OF CLARENDON HILLS RELATIVE TO NOTICE OF  
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which Ordinance was passed by the Board of Trustees of the Village of Clarendon Hills at a Special Village Board Meeting on the 17<sup>th</sup> day of August, 2020, at which meeting a quorum was present, and approved by the President of the Village of Clarendon Hills, Illinois, on the 17<sup>th</sup> day of August, 2020.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Clarendon Hills was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Clarendon Hills, and that the result of said vote was as follows, to-wit:

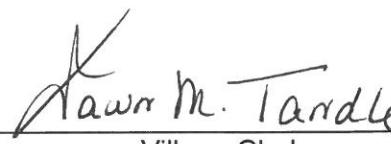
**AYES:** Trustees DeDobbelaeere, Freve, Hall, Jordan, and Knoll

**NAYS:** None

**ABSENT:** Trustee Jorissen

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 Village of Clarendon Hills, this 18<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Village Clerk

[SEAL]

