

ORDINANCE 2019-106

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF VERNON HILLS, CHAPTER 27, SMALL WIRELESS FACILITIES

WHEREAS, the President and Board of Trustees of the Village of Vernon Hills is authorized to prescribe minimum standards for the purpose of promoting the public health, safety, convenience and general welfare for the people of Vernon Hills; and

WHEREAS, in its legislative judgment the President and Board of Trustees found that the growing demand for personal wireless services has resulted in an increase from the wireless industry to place small cell facilities, distributed antenna systems and other personal wireless telecommunication facilities in the Villages right of way, on publicly owned property and on privately owned property; and

WHEREAS, while state and federal law limit the authority of local governments to enact laws that unreasonable discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provisions of telecommunication services by wireless service providers, the Village is authorized, under the existing state and federal law, to enact appropriate regulations and restrictions relative to small wireless facility installation in the public right of way, on publicly owned and on privately owned land; and

WHEREAS, in anticipation of continued increased demand for placement of small wireless facilities, the Village Board, at its meeting on June 20, 2019 finds that it is in the best interest of the public health, safety and general welfare of the Village to adopt regulations for the placement of small wireless facilities in the public right of way, on publicly owned property and on privately owned property and now desires to bring its Ordinance into compliance with various state and federal requirements in light of recent legislative developments.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I: Chapter 27, of the Village of Vernon Hills Code of Ordinances titled, "Small Wireless Facilities" is hereby amended to read as follows:

- Amend Article 27, Section 27-1, "Definitions" by adding a new definition, "Camouflage" to read as follows.

Camouflage shall mean to conceal to the maximum extent possible Small Cell Wireless equipment, antennas and infrastructure in the following ways:

1. By using colors which blend, hide, mask or conceal the equipment;

2. By utilizing antennas and equipment made to look like trees, steeples, cupolas or other similar objects as appropriate given the character and uses in the surrounding area;
 3. By placing equipment in locations designed to conceal its existences such as placing antennas behind a roof parapet, by placing ground equipment in a vault or by landscaping to create a visual buffer.
- Amend Article 27, Section 27-2 by deleting this section in its entirety and to remain as “Reserved” to read as follows:

27-2 (Reserved)

- Amend Article 27, Section 27-3, “Standards and Regulations – Public Rights of Way” by addition of new residential zoning classifications to read as follows:

Small Wireless Facilities are permitted to be placed in a public right-of- way within R-1, R-2, R-3, R-3A, R-4, R-5, R-5A, R-6, R-7, B-1, BP and OR&D, PIB or COS-1 zoning districts subject to compliance with the Illinois Small Wireless Facilities Deployment Act and in compliance with the following requirements

- Amend Article 27, Section 27-3-I, “Design Standards” by addition of new camouflage concealment requirements to read as follows:

Design Standards. Where applicable, the Wireless Provider shall comply with design standards applicable for decorative street lights as prescribed in Appendix B, “Development Regulations”; Exhibit 32 of the Villages Code of Ordinances; or and, where determined by the Village, shall provide reasonable stealth concealment comply with camouflage and concealment requirements as defined herein acceptable to the Village. In lieu of placement on a decorative street light, the Village reserves the authority to request Small Wireless Facilities to place the Small Wireless Facilities on new poles or collocate on an existing Utility Pole within fifty (50) of the decorative street light.

- Amend Article 27, Section 27-3 “Standards and Regulations- Public Rights of Way” by creating a new section, “L” to read as follows:

L. Authority Utility Pole: Personal wireless telecommunication facilities shall be, whenever possible, mounted to Village-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the Village, unless the operator can show that coverage/signal strength would be insufficient.

SECTION II. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION IV. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2019-106

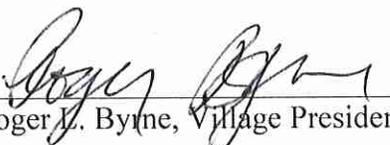
Dated the 2nd day of July, 2019

Adopted by roll call vote as follows:

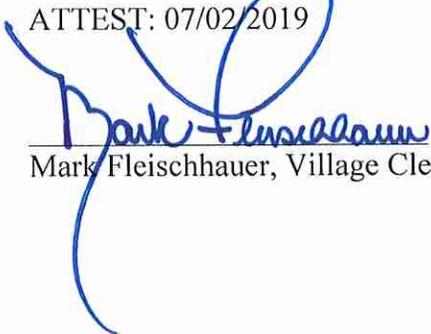
AYES: 7 – Oppenheim, Takaoka, Schultz, Marquardt, Koch, Brown, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 – None


Roger L. Byne, Village President

PASSED: 07/02/2019
APPROVED: 07/02/2019
ATTEST: 07/02/2019


Mark Fleischhauer, Village Clerk

