

**REQUEST FOR BOARD ACTION**

Community Development

AGENDA SECTION: Consent Agenda – ZPS**SUBJECT:** Consideration of an Ordinance Amending the Village Code relative to Small Wireless Facilities and Review of Amended Written Design Standards for Small Wireless Facilities - Request by the Village of Hinsdale - Case A-04-2022**MEETING DATE:** March 1, 2022**FROM:** Bethany Salmon, Village Planner

Recommended Motion

Approve an Ordinance Amending Various Sections of the Village Code of the Village of Hinsdale Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities, Utility Noise and Construction of Utility Facilities in the Right Of Way

Background

On September 4, 2018, the Village Board approved Ordinance O2018-38, which created regulations and permitting processes for small wireless facilities consistent with the requirements of the Small Wireless Facilities Deployment Act signed into law on April 12, 2018, as Public Act 100-0585 (the “State Act”). The Act provides the regulations and process for permitting and deploying small wireless facilities within rights-of-way and on private property throughout Illinois (excluding Chicago).

Per the State Act, the Village can impose design requirements to ensure compliance with certain construction, safety and aesthetic and design standards. On March 19, 2019, the Village Board approved a Resolution Adopting Written Design Standards for Small Wireless Facilities (Resolution R2019-04). The Design Standards were created to assist applicants with understanding the Village’s objectives, including the goal of preserving the visual character of neighborhoods in which facilities are installed. On November 5, 2019, the Village Board reviewed updates to the Design Standards that were made by the Village Manager in an effort to assist applicants with understanding the Village’s objectives to preserve the character of the neighborhoods in which facilities are installed and prevent visual blight. A resolution to update the Design Standards was not required at that time as the Village Manager has the authority to make certain changes per the original Resolution.

Although the federal government and State law give municipalities only minimal control over the placement of small wireless facilities, documents such as the Village’s Small Cell Ordinance, and its adopted Design Standards, allow the Village to exercise what control it can over such facilities. These documents are particularly important for the Village, and helpful for applicants, because all municipalities are spatially unique and have different regulations. Telecommunication companies and its third-party subcontractors install equipment nationwide and would benefit to understand guidelines prior to designing and applying for a permit in each municipality.

Based on state legislative changes made last year, additional staff research and input from the community, and to be consistent with neighboring communities, several changes are proposed to be made to the Village’s Small Cell Ordinance and Small Wireless Facility Design, Stealth and Concealment Standards to create consistency, reflect current State law, protect aesthetics and provide additional guidance to the applicants.

A bullet point summary of the changes made by the proposed Small Cell Ordinance and proposed Updated Design Standards is attached.

While the Board is required to approve the Ordinance making changes to the Village Code, the Village Manager has authority to approve changes to the Design Standards based on a prior delegation of authority from the Board, so unless Board has particular objections or concerns related to the proposed Design Standards after reviewing, the updated Standards will be posted to the Village website.

Discussion & Recommendation

N/A

Village Board and/or Committee Action

At the Village Board of Trustees meeting on February 15, 2022, Trustee Stifflear provided an overview of the proposed changes included in the draft ordinance and design standards. There was a discussion on if these provisions applied to the overlay district. It was clarified that new small wireless facilities cannot be located within 200 feet from any residence as measured from the structure. New language is added that allows the Village to propose an alternative location on an existing utility pole or wireless support structure within 200 feet of the proposed collocation, instead of the 100 feet limit under the law previously.

Village Manager Kathleen Gargano stated staff received feedback and suggested revisions from residents that are currently being reviewed by the Village attorney. The Village Board moved the item forward to be placed on the Consent Agenda. If there are any substantial changes or concerns, the Board can remove this item from the Consent Agenda and review it as a Second Reading.

Since the meeting, the ordinance has been revised by the Village attorney with minor changes based on resident feedback. In the attached ordinance, the original changes are shown in **red** and the changes added since the last Board meeting are shown in **light blue**. The primary changes are summarized below:

- Under permit application requirements, an additional provision has been added that will require the applicant to disclose the name of the applicant, the name of the wireless service provider on whose behalf the proposed installation is being performed, and any additional parties proposed to be involved in the installation.
- The notice requirements have been revised to require the applicant to confirm the exact location of a proposed small wireless facility within the written notice sent to properties within 250 feet of the proposed site. The applicant will also be required to post a sign measuring at least nine (9) inches by twelve (12) inches in a conspicuous location at each proposed location of a small wireless facility installation. Such signs shall be in a form provided by the Village, and shall include an image of the proposed small wireless facility.
- In addition to providing proof of mailing of required notices no less than two (2) calendar days after mailing of the notices, the applicant will also be required to provide an affidavit attesting to the posting of the required signs no less than two (2) days after posting. The applicant shall supplement its application with copies of all email, letter and other written communications received in response to the mailed notice within seventeen (17) days of mailing.

Documents Attached

1. Bullet Point Summary of changes made by the proposed Small Cell Ordinance and proposed Updated Design Standards
2. Updated General Guidelines and Small Wireless Facility Design, Stealth and Concealment Standards (Redlined Draft)
3. Draft Ordinance Amending the Village Code of Hinsdale Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities

**BULLET POINT SUMMARY OF AMENDMENTS MADE BY PROPOSED ORDINANCE TO
THE SMALL CELL CHAPTER OF THE VILLAGE CODE**

- Zoning District Prohibition: Specifies the zoning districts in which small cell installations are prohibited on private property (they are required by law to be allowed within the right-of-way in all zoning districts however);
- Structural Analysis: Provides additional detail on what a structural analysis from a telecommunication provider seeking to locate a small cell on a Village utility pole should include;
- Smallest Visual Profile: Requires providers to provide equipment with the smallest visual profile to the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system;
- Additional Application Requirements: Adds additional information that must be included with a small cell application, including:
 - Information on whether a pre-application review was conducted by or with Village staff;
 - Certification from a radio engineer that the small wireless facility will operate within all applicable FCC standards, and additional technical data that will allow an evaluation of compliance with FCC radio frequency emission standards, as well as a monitoring plan regarding tracking of radio frequency emission levels;
 - Proof of all applicable licenses or other approvals required by the FCC;
 - A written report, certified by an engineer, that analyzes acoustic levels for the small wireless facility or evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not exceed the applicable limits;
 - A written description and/or map identifying the geographic service area for the small wireless facility;
 - For work in the public right-of-way, evidence of posting of the security fund as required in the Village's Code chapter on utility work in the right-of-way;
 - Where installation is proposed in a right-of-way that consists of an "easement for compatible use" as defined in the State Small Wireless Facilities Deployment Act, a certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install the equipment in or on the easement for the length of the permit;
 - A Master Plan which identifies the location of the proposed small wireless facility in relation to all existing and potential locations in the Village that are reasonably anticipated for construction within two (2) years of submittal of the application.
 - A sample of the proposed notice to be mailed to residents within 250 foot radius of the location of the proposed small cell facility, and a list of intended recipients.
- Notice Requirement: Adds a requirement that within three (3) business days of submission of an application containing all information required by the Village, an applicant, at its sole cost and expense, must provide written notice to owners and occupants of property within 250 feet of the proposed location. The applicant must provide proof of mailing to the Village within two days after mailing of the notices;

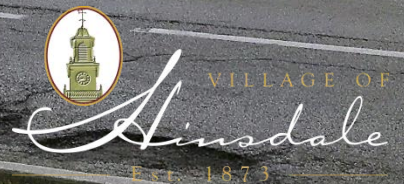
- **Alternate Locations:** Consistent with a change in State law, if an applicant is seeking to collocate a small wireless facility on a new utility pole as part of its application, the Village may propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within 200 feet of the proposed collocation, instead of the 100 feet limit under the law previously;
- **Collocation Rate Cap:** Requires that where an existing utility pole is proposed for collocation, the entity owning the utility pole shall provide access for that purpose, and the fee charged to the applicant shall be the lowest rate charged by the entity for other wireless providers and shall not exceed the entity's actual costs (this reflects a new provision in State law);
- **Radio Frequency Compliance:** Requires wireless providers to comply with the FCC's radio frequency emissions standards at all times, to perform on-going monitoring of small wireless facilities to ensure all equipment continues to operate within allowable FCC radio frequency emission ranges, and to submit quarterly reports to the Village certifying that the wireless provider's small wireless facilities within the Village operated in compliance with all FCC radio frequency emission limits during the quarterly reporting period;
- **Annual Certification:** Requires wireless providers to submit an annual affidavit to the Village listing, by location, all small wireless facilities it owns within the Village, and certifying that all installations remain in use and covered by insurance, and listing any installations which are no longer in use. Any small wireless facility that is no longer in use is required to be removed by the wireless provider within 90 calendar days of delivery of the affidavit;
- **Historic Landmarks:** Prohibits placements of small wireless facilities and wireless support structures in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.
- **Historic Preservation Commission Review:** Small wireless facilities within historic districts may, at the discretion of the village manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to applicable mandatory permit review timelines;
- **Utility Noise:** Adds generally applicable noise limitations for all utility equipment in rights of way and in residentially zoned districts; and
- **Other Changes:** Makes other clarifying changes throughout the Small Cell Chapter.

**BULLET POINT SUMMARY OF AMENDMENTS MADE BY PROPOSED
SMALL CELL DESIGN STANDARD CHANGES**

- Preference for Existing Poles: Makes clear that the Village's preference is for small wireless facilities to be mounted on an existing wireless support structure or utility pole, as opposed to a new pole;
- No New Wire Paths: Requires that any above-ground wire connections from wooden, electric utility poles to a small wireless facility must follow an existing wire path; new wire paths are prohibited;
- Smallest Visual Profile: Repeats the new Village Code requirement that providers must provide equipment with the smallest visual profile to the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system;
- Metal Poles Only: Requires new wireless support structures to be metal unless otherwise approved by the Village as appropriate for the immediate area;
- Parkway Trees: Specifies that no proposed installation shall result in the removal of any parkway tree unless otherwise approved by the Director of Public Services, in consultation with the Village Arborist;
- Historic Landmarks: Repeats new Village Code prohibition on placements of small wireless facilities and wireless support structures in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District;
- Historic Preservation Commission Review: Repeats new Village Code provision that small wireless facilities within historic districts may, at the discretion of the village manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to applicable mandatory permit review timelines; and
- Other Changes: Makes other clarifying changes throughout the Small Cell Chapter.

Village of Hinsdale

General Guidelines and Small Wireless Facility Design, Stealth and Concealment Standards



General Guidelines and Small Wireless Facility Design, Aesthetic, Stealth and Concealment Standards

The public right-of-way of the Village of Hinsdale is a uniquely valuable public resource, closely linked with the Village's small town character, natural beauty and historic charm. Unregulated or disorderly deployment of small wireless facilities within the Village represents an ever-increasing and true threat to those attributes, and to the health, welfare and safety of the Village. Unregulated installation of small wireless facilities in the right-of-way may be harmful for a variety of reasons, including potential adverse consequences from placements along sidewalks and streets that could have negative impacts on both pedestrian and vehicle safety from visual cluttering and physical impediments stemming from such placements, negative impacts on the Village's goal of fostering a pedestrian-oriented environment and the Village's design and character, including aesthetic and accessibility concerns from intrusive installations of equipment mounted on poles or at ground level, negative impacts on property values resulting from poor placements and noise impacts from facilities that contain outdoor generators or other equipment.

Except where otherwise limited by State or federal law, tThe following general guidelines and design, aesthetic, stealth and concealment standards apply to the placement of small wireless facilities within the Village, and attempt to ensure that all small wireless facilities are installed using the least intrusive means possible. Small wireless facilities are, in addition, generally regulated by Title 7 (Public Ways and Property), Article G (Construction of Utility Facilities in Rights of Way) and Title 13 (Telecommunications), Chapter 8; (Small Wireless Facilities) of the Village Code and all terms used herein are as defined in ~~that~~ Chapter 8 (Small Wireless Facilities).

General Standards. Every small wireless facility collocation shall comply with the following standards.

A. Small Wireless Facilities

1. Antennas and their related mounting equipment, including brackets, shall be mounted no less than twelve (12) feet above ground level, as measured to lowest most point of the installation.
2. Antennas shall, to the extent technically feasible, be designed and installed to appear hidden within the utility pole or to appear like an original part of the utility pole or wireless support structure.
3. Unless otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services, each antenna not hidden within a utility pole shall be located entirely within a shroud enclosure not more than six (6) cubic feet in volume that is capable of accepting

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paint to match the approved color of the small wireless facility. In the case of an approved antenna that has exposed elements, the antenna and all of its exposed elements shall be able to fit within an imaginary enclosure of no more than six (6) cubic feet.

4. Top-mounted antennas and their enclosures shall be mounted directly above the utility pole or wireless support structure and shall not extend beyond the diameter of the utility pole or wireless support structure at the level of the antenna attachment, unless otherwise approved by the ~~Village Engineer and/or Village Planner~~ Director of Public Services. There must be a smooth transition between the utility pole and antenna and enclosure. See Section H, Exhibit 1. Height limitations for small wireless facilities and wireless support structures may be found at Section 13-8-8 of the Village Code.
5. Side-mounted small wireless facility antennas within a shroud enclosure and side-mounted small wireless facility equipment enclosures shall be, if possible, flush mounted to the utility pole or wireless support structure at the level of the attachment. If not flush mounted, metal flaps or “wings” shall extend from the enclosure to the utility pole or wireless support structure to conceal any gap between the small wireless facility and the utility pole or wireless support structure. The design of the flaps shall be integrated with the design of the small wireless facility, and shall be the same color. See Section H, Exhibits 3A, 3D & 3E.
6. Small wireless facilities located on street light poles or traffic control structures shall not block light emanating from the street light fixture or otherwise interfere with the purpose of the street light fixture or traffic control structure.
7. Small wireless facilities shall be attached to the utility pole or wireless support structure using rigid steel clamping mounts or stainless steel banding to the exterior of any metal pole. All mounts and banding shall be of the same color as the utility pole or wireless support structure, except as otherwise approved by the ~~Village Engineer and/or Village Planner~~ Director of Public Services. Care should be taken to integrate the mounting elements into the small wireless facility design. Through-bolting or use of lag bolts on Village-owned utility poles is prohibited.

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8. For attachments to existing utility poles, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole, or if concealment is not technically feasible, flush mounted to an existing utility pole in an enclosed wire chase on which the facilities are collocated, which is painted or otherwise colored to match the existing pole. For new utility poles or wireless support structures, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole or wireless support structure, except as otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services. See Section H, Exhibits 3A thru 3E.
9. All small wireless facilities shall be installed in accordance with all applicable Village codes. No wiring or cabling shall interfere with any existing wiring or cabling installed by the Village, a utility or a wireless services provider.
10. No guy or other support wires will be used in connection with a small wireless facility unless the small wireless facility is to be attached to an existing utility pole or wireless support structure that incorporates guy wires prior to the date the applicant has applied for a permit.
11. The small wireless facility, including the antenna, and all related equipment when attached to an existing or new utility pole or wireless support structure, must be designed to withstand a wind force and ice loads in accordance with the applicable standards established in Article 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any small wireless facility attached to a Village-owned utility pole or, in the discretion of the Village, to a non Village-owned utility pole or wireless support structure, the operator of the small wireless facility must provide the Village with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.

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12. The Village will not authorize any attachments of small wireless facilities to a Village-owned utility pole that negatively impacts the structural integrity of the pole. The Village may condition approval of the collocation on replacement or modification of the Village-owned utility pole if necessary to meet Village standards.
13. Small wireless facilities shall be located in a manner that meets the Americans with Disabilities Act of 1990 and does not obstruct, impede or hinder the usual pedestrian or vehicular path of travel.
14. Small wireless facilities collocated on Village-owned utility poles may not use the same power or communication source providing power and/or communication for the existing infrastructure, except as otherwise approved by the ~~Village Engineer and/or Village Planner~~ Director of Public Services. The wireless provider shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
15. A four (4) inch by six (6) inch plate with the wireless provider's name, location identifying information, and emergency telephone number shall be permanently fixed to the small wireless facility equipment enclosure or shroud.
16. Small wireless facility equipment shall not be mounted on any Village-owned ornamental street lights in the B-2 Central Business District, or in any Historic District.
17. Small wireless facilities shall not be mounted within two hundred (200) feet of any residence.
18. The order of preference for the location for small wireless facilities from most preferred to least preferred is:
 - a. Collocation with existing small wireless facilities;
 - b. Mounted on an existing wireless support structure or utility pole;
 - ~~c.~~ Roof-mounted;
 - ~~ed.~~ Building-mounted;
 - ~~d.~~ Mounted on an existing wireless support structure or utility pole;
 - e. Mounted on a new wireless support structure or utility pole that will replace an existing wireless support structure or utility pole;

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f. Mounted on a new wireless support structure.

19. Small wireless facility equipment not mounted on a utility pole or wireless support structure other than an antenna and any electric meter or other equipment that must be placed above ground to function, shall be installed underground. Undergrounded equipment shall be installed flush to the ground, within three (3) feet of the associated utility pole or wireless support structure. Accessory equipment such as radios and computers that require an environmentally-controlled underground vault to function are not exempt from this subsection and shall be undergrounded. For equipment that must be placed above ground to function, landscaping shall be required to help mitigate the effects of the installation of any ground-mounted equipment. All ground-mounted equipment must be fully screened at all times.
20. Small wireless facilities other than those placed on wooden, electric utility poles, may not be powered by above-ground wire connections from other utility poles. Any above-ground wire connections from wooden, electric utility poles to a small wireless facility must follow an existing wire path; new wire paths are prohibited.
21. Any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by a wireless provider or their agents shall be replaced. If any trees are damaged or displaced, the provider shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a license arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree and preapproved by the Village's arborist. All replacement landscaping shall be maintained by the wireless provider.
22. The Village, in its sole discretion, and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the Village or any other public agency, which includes without limitation any sewers, storm sewers or drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work

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deemed necessary, useful or desirable by the Village (collectively, “Village work”). The Village reserves the rights to do any and all Village work without any admission on its part that the Village would not have such rights without this express reservation. If the Village Engineer and/or the Village Planner-Director of Public Services determines that any Village work will require a small wireless facility located in the public right-of-way to be rearranged and/or relocated, the wireless provider shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation, limited only by Village requirements as set forth in State or federal law. If the wireless provider fails or refuses to either permanently or temporarily rearrange and/or relocate the small wireless facility within a reasonable time after the Village’s notice, the Village may (but will not be obligated to) cause the rearrangement or relocation to be performed at the wireless provider’s sole cost and expense. The Village may exercise its rights to rearrange or relocate the wireless provider’s small wireless facility without prior notice to the wireless provider when the Village Engineer and/or Village Planner-Director of Public Services determines that the Village work is immediately necessary to protect public health or safety. The wireless provider shall reimburse the Village for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and receipt of reasonable documentation to support such costs.

23. Small wireless facilities may not be collocated on the following structures, whether located in the public right-of-way or not:
 - a. any utility pole scheduled for removal or relocation within twelve (12) months from the time the Village acts on the application;
 - b. new, non-replacement wood poles.
24. The wireless provider is required to install wireless facilities with antenna and other equipment that has the smallest visual profile to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system.
25. The wireless provider is required to replace such equipment when replacement work is being done with equipment that has the smallest

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visual profile to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system.

26. Applicants should, in particular, take note of the requirements for utility installations in the right-of-way in Section 7-1G-15 (Location of Facilities) of Chapter 7-1G (Construction of Utility Facilities in Rights of Way) of the Village Code.

B. Replacement of Existing Street Light Poles

The following standards apply when replacing an existing street light pole (including ornamental lights) with a combination small wireless facility and street light pole. Such replacements should only be located where an existing street light pole can be removed and replaced, or at a new location where it has been identified that a street light is necessary. All such replacements shall meet the following standards:

1. All replacement street light poles shall be a similar design, material, and color as the replaced existing street light pole and other poles within the immediate area, unless an alternative design is approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services. See Below. Note the difference between a typical street light and ornamental light.

— Typical Street Light



Typical Ornamental Light



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2. All replacement street light poles and foundations for each shall conform to the Village's standards and specifications for street light design and construction.
3. Replacement street light poles shall be an equal distance from other street light poles based upon the average distance between existing street light poles within the designated area.
4. Street light poles shall be designed and engineered to support a luminaire and/or mast arm of length equal to that of the existing pole to be replaced or of a length approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services based upon the location of the replacement street light pole.
5. All luminaires and/or mast arms shall match the arc and style of the original luminaire and mast arm, unless otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
6. The replacement luminaire and mast arm shall be at the same height above the ground as the existing luminaire and mast arm.
7. All replacement street light poles shall have new light emitting diode (LED) light fixtures of the same manufacturer, model and light output as the removed fixture and nearby light fixtures, or as otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
8. Replacement street light poles, including but not limited to the pole itself, head, fixtures, mast arm (If applicable) and electrical components, shall have a five (5) year manufacturer's replacement warranty.
9. Replacement street light poles shall meet American Association of State Highway and Transportation Officials structural guidelines for roadway applications and the American National Standards Institute requirements for vibrations.
10. Street light pole height shall be measured from the ground to the top of the street light pole.
11. All replacement street light pole heights shall be consistent with those of existing street lights.

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12. The small wireless facility components shall be sized appropriately to the scale of the street light pole. However, to the extent commercially available, technologically compatible with the local network system and already used in its national or regional wireless network system, when performing replacement work, the wireless provider is required to replace any wireless facilities with antenna and other equipment that have the smallest visual profile.
13. A decorative transition shall be installed over the equipment enclosure upper bolts, or a decorative base cover shall be installed to match the equipment enclosure size. All hardware connections shall be hidden from view. Each street light pole component shall be architecturally compatible to create a cohesive aesthetic.
14. Replacement street light poles shall continue to be owned by the Village, unless otherwise mutually agreed to by the parties.
15. Existing ornamental light poles must be replaced with matching poles with respect to design and size. (See next page photos below).

Typical Ornamental
Light



Typical Ornamental Light
with Appurtenance



C. Installation of New Wireless Support Structures, Where Allowed.

1. In the interest of administrative efficiency, the proposed location and design of new wireless support structures shall be reviewed with the

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~~Village Engineer and Village Planner~~Director of Public Services prior to application. Such review does not constitute approval, but is instead designed to identify existing utility conflicts and other issues that might be readily identified and/or resolved by communication between the applicant and Village staff.

2. A new wireless support structure shall be designed to minimize the visual and aesthetic impact of the new vertical element and associated small wireless facilities upon the surrounding area and shall blend in with the surrounding streetscape with minimal visual impact. The Village may require a new wireless support structure to be constructed of a specific material that will enhance the stealth and concealment of the structure.
3. New wireless support structures shall be metal unless otherwise approved by the Director of Public Services as appropriate for the immediate area. New wireless support structures shall match the design, size, material and color of existing utility poles (other than prohibited wooden poles), including street light poles and ornamental lights, within the immediate area, except as otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
4. Within residentially zoned areas, new wireless support structure installations shall be located at a corner intersection on an existing utility pole. Where a corner intersection collocation is not possible, new wireless support structures shall be located at a corner intersection with an existing utility pole. If location of a new wireless support structure at a corner intersection is not possible, new wireless support structures shall be located where the shared property line between two residential parcels intersect the right-of-way whenever possible, unless an unsafe condition, cluttered appearance, or other violation of these standards will result.
5. New wireless support structures shall be equal distance from other utility poles based upon the average distance between existing utility poles within the designated area. If a new wireless support structure cannot be located the average distance from other utility poles, a new wireless support structure may be approved if such wireless support structure is designed as a stealth pole and the design and location is approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.

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6. The centerline of a new wireless support structure shall be in alignment with existing utility poles where present, or with street or parkway trees along the same side of the right-of-way. If no such centerline currently exists, the wireless provider shall coordinate with the Village to identify a mutually agreed upon location
7. New wireless support structures shall be located a minimum of twelve (12) feet from driveway aprons unless otherwise approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
8. New wireless support structures shall be sited outside the critical root zone of existing trees having a six (6) inch diameter at breast height located either in the right of way or adjacent to the right of way in the immediate vicinity, unless placement within a critical root zone is otherwise approved by the Director of Public Services, in consultation with the Village Arborist. No proposed installation shall result in the removal of any parkway tree unless otherwise approved by the Director of Public Services, in consultation with the Village Arborist. If an applicant is seeking to install a small wireless facility or new utility pole as part of its application, the Village may, when concerned about the impact of the installation on existing trees, or for other reasons, propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within two hundred (200) feet of the proposed collocation as specified in Section 13-8-5.K. of the Village Code.
9. The outside diameter of any new wireless support structure shall not exceed the diameter of existing utility poles located within three hundred (300) feet of the location of the new wireless support structure.
10. New wireless support structures shall not exceed the heights as authorized by Section 13-8-8 of the Village Code.
11. New wireless support structures shall be round in shape with a smooth pole shaft, the exception being when being installed adjacent to, or nearby ornamental lights. In this case, the support structure shaft shall be similar in shape to the existing ornamental lights and of a design approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
12. New wireless support structures incorporating pole-mounted small wireless facilities shall be uniformly tapered in diameter from the base

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to the top, with a maximum diameter of twelve (12) inches at the base and a maximum diameter of eight (8) inches at the top, unless an alternative design is approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services. Incorporation of equipment within an equipment enclosure in the base or other portion of the pole is preferred.

13. New wireless support structures incorporating small wireless facilities in an equipment enclosure within a base may utilize poles tapered in diameter or poles having a consistent outside diameter, unless an alternative design is approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services.
14. All new wireless support structures must be supported with a reinforced concrete foundation designed, stamped, sealed and signed by a professional engineer licensed and registered in the State of Illinois, and subject to the ~~Village Engineer's and/or Village Planner's~~ approval of the Director of Public Services. Optionally, screw in foundations are acceptable with stamped and sealed drawings from a professional engineer licensed and registered in the State of Illinois, and subject to the ~~Village Engineer's and/or Village Planner's~~ approval of the Director of Public Services.
15. All anchor bolts must be concealed from public view, with an appropriate pole boot or cover powder-coated to match the wireless support structure color.
16. If multiple requests are received to install two (2) or more wireless support structures in approximately the same location, in a manner that would violate these requirements or other Village requirements, the Village shall resolve such conflict through whatever reasonable and nondiscriminatory manner it deems appropriate.

D. Stealth and Concealment Requirements.

Wireless providers shall comply with the design and construction standards that are generally applicable to utility installations in the public right-of-way, as set forth Title 13, Telecommunications of the Village Code, in Chapter 7-1G of the Village Code, Construction of Utility Facilities in Rights-of-Way, as well as these standards, any other written design standards for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are otherwise identified by the Village in an ordinance, written policy adopted by the Village Board of Trustees, in the Village's comprehensive

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plan, or in another written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district and any requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act, or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws. In addition:

1. The use of stealth technology in the location and construction of small wireless facilities is required whenever and wherever possible. Stealth technology means using the least visually and physically intrusive design and equipment that is not technologically or commercially impracticable under the facts and circumstances, to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such small wireless facilities.
2. Small wireless facilities, including but not limited to antennas, equipment enclosures, mounting brackets and hardware, mounting posts, cables, and shrouds, shall be of a color that is identical to the utility pole or of a neutral color compatible with the color of the utility pole and any surrounding elements so as to camouflage or conceal their appearance, create consistency among right-of-way infrastructure, and to make such small wireless facilities as unobtrusive as possible. The ~~Village Engineer and/or Village Planner~~Director of Public Services may approve compatible color schemes for antennas and small wireless facilities. A clear, color digital photo simulation of the utility pole or wireless support structure location providing “before and after” views demonstrating the true visual impact of the proposed small wireless facilities on the surrounding environment shall be included in the application.
3. Mechanical equipment and devices shall be concealed underground, mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures or other devices mounted directly to the pole a minimum of eight (8) feet above ground level and screened by means of Village approved concealment methods. See subsection A.19. above for further undergrounding requirements.

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4. Small wireless facilities must be located and oriented in such a way as to minimize view blockage.
5. The wireless provider shall use the smallest suitable wireless facilities then in industry use, regardless of location, for the particular application.
6. Landscaping or fencing shall be required to help mitigate the effects of the installation of any ground-mounted equipment. All ground-mounted equipment must be fully screened at all times.
7. Small wireless facilities shall not be artificially lighted or marked, except as required by law.
8. Small wireless facilities, other than top-mounted antennas, shall be mounted on the side of the utility pole or wireless support structure opposite the direction of vehicular traffic along the same side of the right-of-way.
9. Alternative measures for concealment may be proposed by the wireless provider and approved by the ~~Village Engineer and/or Village Planner~~Director of Public Services, if the ~~Village Engineer and/or Village Planner~~Director of Public Services determines that the optional measures will be at least as effective in concealing the small wireless facilities as the measures required above.

E. Historic Districts and Landmarks

For areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District, or on buildings or structures designated as historic landmarks pursuant to Title 14 Historic Preservation of the Village Code, in addition to the stealth, concealment and design requirements referenced above, following additional restrictions/conditions apply to the installation of small wireless facility:

1. Small wireless facilities shall not be mounted on any Village-owned ornamental street lights in any district;
2. Small wireless facilities shall not be mounted on any historic landmark or on contributing structures in any historic district;

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3. Small wireless facilities and wireless support structures may not be located in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.
34. Small wireless facilities within the right-of-way or on private property in any designated historic district shall be collocated on existing utility poles unless an applicant is able to demonstrate that such collocation is not technically feasible. Where such collocation utilize stealth technology and be designed in such a manner so as to preserve the character of the district, ensure consistency with the surrounding elements, blend architecturally with any buildings or structures designated as historic landmarks or located within a designated historic district, and shall be designed to blend with the surrounding historical landmarks and/or district in design and color.
5. Small wireless facilities within historic districts may, at the discretion of the Village Manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to any permit review timelines as specified in Section 13-8-5.E. of the Village Code.

F. Historic District or Historic Landmark Limitations

1. The above design or concealment measures with respect to a historic district or historic landmark, including restrictions on a specific category of utility poles, may not have the effect of prohibiting any provider's technology. Such design and concealment measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.
2. This subsection shall not be construed to limit the Village's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws.

G. Severability

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Each section, paragraph, clause and provision of these guidelines and standards is separable and if any portion is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of these guidelines and standards, nor any part thereof, other than that part affected by such decision.

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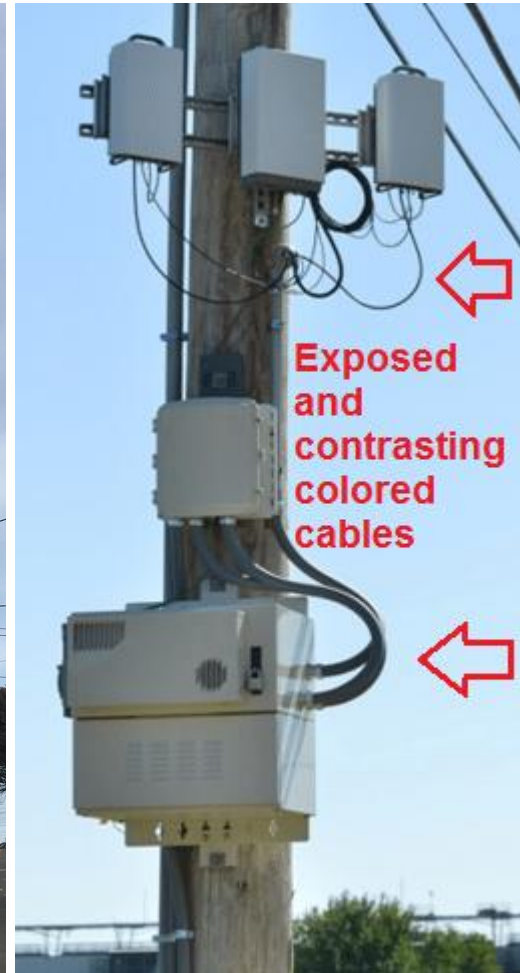
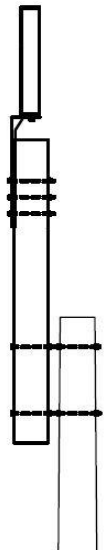
H. Exhibits

Exhibit 1. Antennas

Permitted Example



Not Permitted Examples



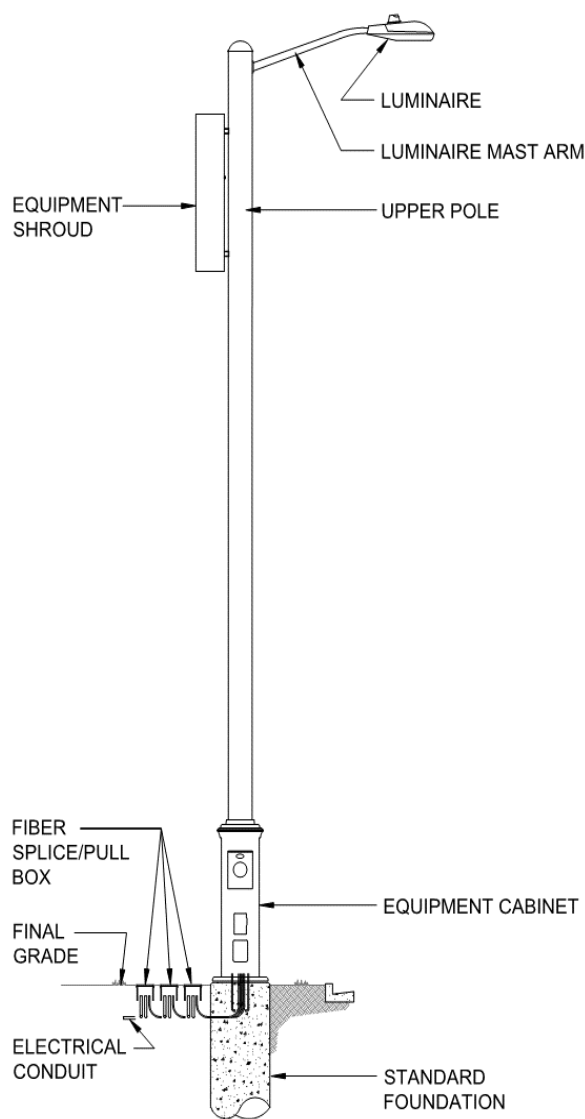
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Exhibit 2. Typical ornamental light pole

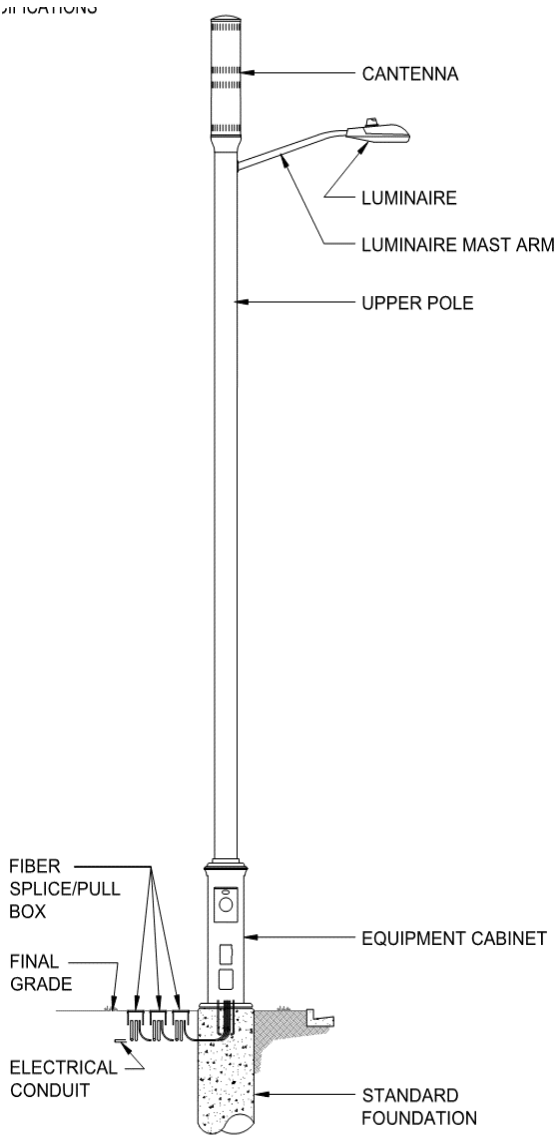


Exhibit 3. Examples of Acceptable Methods of Concealment

A. Combination Pole with
Equipment Shroud

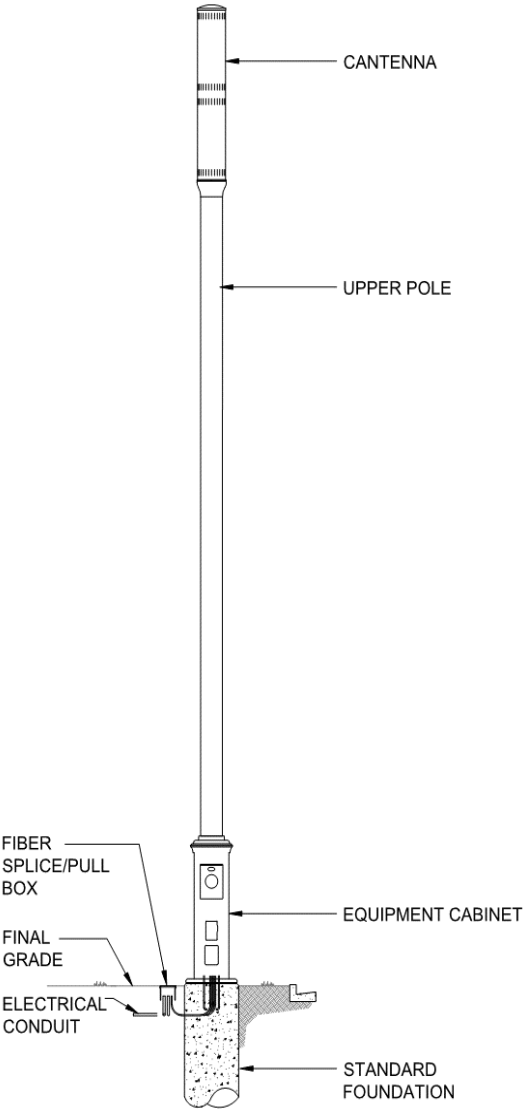


B. Combination Pole with
Antenna

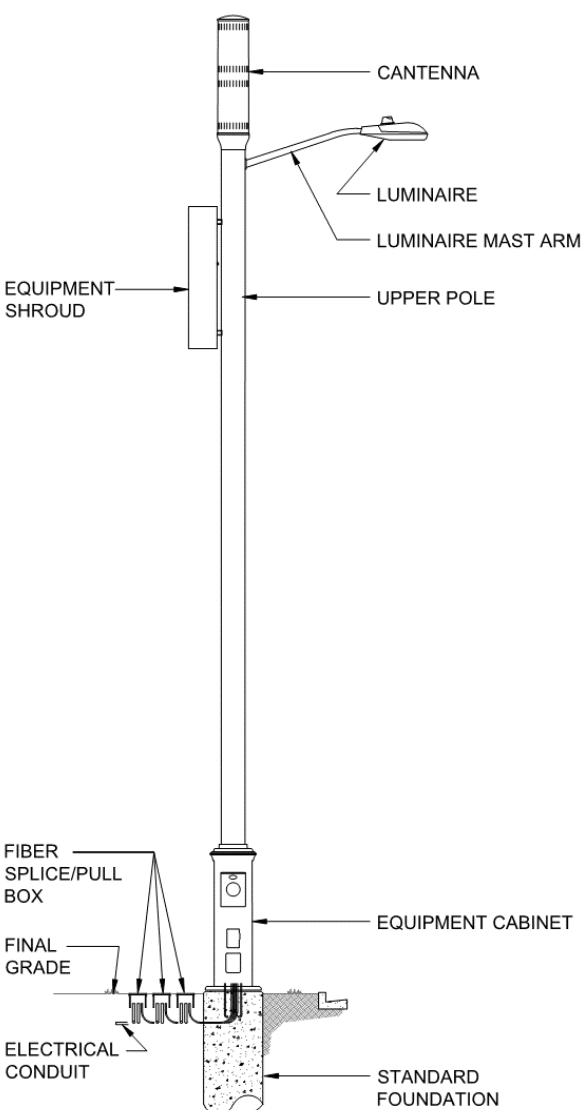


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C. Freestanding Small Cell



D. Combination Pole with Antenna



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E. Examples of Landscape buffer for grade level equipment (where allowed)



**ADDITIONS TO EXISTING CODE TEXT SHOWN USING UNDERLINING,
DELETIONS TO EXISTING CODE TEXT SHOWN USING ~~STRIKETHROUGH~~**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE CODE OF
THE VILLAGE OF HINSDALE RELATIVE TO THE PERMITTING, REGULATION AND
DEPLOYMENT OF SMALL WIRELESS FACILITIES, UTILITY NOISE AND
CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT OF WAY**

WHEREAS, Public Act 100-585, known as the Small Wireless Facilities Deployment Act (50 ILCS 840/1 et seq.), acts to impose certain additional requirements on municipalities, including the Village of Hinsdale (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 Hinsdale have previously made certain amendments to the Village Code of Hinsdale, as amended, by adopting, in Ordinance No. O2018-38 (the “Small Wireless Facilities Ordinance”), a new Chapter 13-8 (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, since the enactment of the Small Wireless Facilities Ordinance, there has been extensive public discussion about small wireless facilities and how best to design, permit, locate, construct, deploy, regulate, operate, maintain, repair and remove small wireless facilities within the Village; and

WHEREAS, the Small Wireless Facilities Deployment Act was originally scheduled to sunset on June 1, 2021. Public Act 102-0009, the relevant portions of which became effective on June 3, 2021, extended that sunset date to December 31, 2024, and made other clarifying and substantive changes to the Act. The Act was subsequently amended and reenacted in Public Act 102-0021; and

WHEREAS, as a result of such public discussions, and the clarifying and substantive amendments made in Public Act 102-0009 and Public Act 102-0021, various amendments to the Small Cell Ordinance, as well as the Village’s chapter on construction of utility facilities in the right-of-way (collectively, the “Code Amendments”), have been proposed and have been discussed at Regular Meetings of the President and Board of Trustees of the Village of Hinsdale held on February 15, 2022 and March 1, 2022; and

WHEREAS, the President and Board of Trustees of the Village of Hinsdale make

the following findings in regard to the Code Amendments:

- A. The Village of Hinsdale is a municipal corporation duly organized and existing under the laws of the State of Illinois; and
- B. The public rights-of-way within Village limits are used to provide essential public services to Village residents and businesses. The public rights-of-way within the Village are a limited public resource held by the Village for the benefit of its citizens, and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and
- C. Growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell antenna facilities, distributed antenna systems, and other small wireless telecommunication facilities on utility and street light poles and other structures both within the public rights-of-way and in other locations; and
- D. The Village is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and
- E. The Village is further authorized to adopt the proposed Code Amendments contained herein pursuant to its authority to regulate the public right-of-way under Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 *et seq.*); and
- F. The Village is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell antenna facilities, distributed antenna systems, and other small personal wireless telecommunication facility installations both within the public rights-of-way and in other locations within the jurisdiction of the Village; and
- G. On April 12, 2018, Illinois Public Act 100-585, known as the Small Wireless Facilities Deployment Act (the "Act"), was enacted with an effective date of June 1, 2018, and imposed certain additional requirements on municipalities, including 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
- H. The Act, which was originally scheduled to sunset on June 1, 2021, has now been amended by Public Act 102-0009, the relevant portions of which became effective on June 3, 2021. Public Act 102-0009 extended the sunset date of the Act to December 31, 2024, and made other clarifying and substantive changes to the Act. The Act was subsequently amended and

reenacted in Public Act 102-0021; and

- I. In conformance with the requirements of the Act, and in response to certain amendments to the Act made in Public Act 102-0009 and Public Act 102-0021, and in anticipation of a continued increased demand for placement of small wireless facilities of the type regulated by the Act both within the public rights-of-way and in other locations within the jurisdiction of the Village, the Village President and Board of Trustees specifically find that it is in the best interests of the public health, safety and general welfare of the Village to adopt the Code Amendments below in order to enhance and supplement the previously adopted generally applicable standards enacted consistent with the Act for the design, permitting, location, construction, deployment, regulation, operation, maintenance, repair and removal of such small wireless facilities both within the public rights-of-way and in certain other locations within the jurisdiction of the Village so as to, among other things: (i) prevent interference with the facilities and operations of the Village utilities and of other utilities lawfully located in public rights-of-way or in other locations within the Village; (ii) preserve the character of the neighborhoods in which such small wireless facilities are installed; (iii) minimize any adverse visual impact of small wireless facilities and prevent visual blight in the neighborhoods in which such facilities are installed; (iv) ensure the continued safe use and enjoyment of private properties adjacent to small wireless facilities; (v) provide appropriate aesthetic protections to designated areas and historic landmarks or districts within the Village; and (vi) ensure that the placement of small wireless facilities does not negatively impact public safety and the Village's public safety technology; and

WHEREAS, in order to incorporate the clarifying and substantive changes made to the Act by Public Act 102-0009 and Public Act 102-0021, and to make other changes, and 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 Hinsdale find that the below Code Amendments are in the best interests of the Village, its residents, property owners, business owners and the public, and they approve the Code Amendments as set forth below.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HINSDALE, COOD AND DUPAGE COUNTIES, ILLINOIS:

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

SECTION 2: Section 13-8-4 of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-4: ZONING:

A. Permitted Uses: Small wireless facilities shall be classified as permitted uses and shall not be subject to zoning review, if collocated in rights-of-way in any zoning district, or outside rights-of-way in the following zoning districts:

O-3 General Office Zoning District.

B. Prohibited Locations: Small wireless facilities shall be prohibited uses outside of the rights-of-way in the following zoning districts, except as otherwise required by applicable law:

R-1 Single-Family Residential District

R-2 Single-Family Residential District

R-3 Single-Family Residential District

R-4 Single-Family Residential District

R-5 Multiple Family Residential District

R-6 Multiple Family Residential District

OS Open Space District (only collocations on existing utility poles or structures permitted; no new poles)

C. Other Districts: In all other zoning districts, the Village's normal zoning approvals, processes and restrictions shall apply, if zoning approval, processes or restrictions are required by the Village's zoning ordinance.

SECTION 3: Section 13-8-5 (Permits; Application Process) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-5: 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:

1. Site specific structural integrity and, for a Village utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, 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, and that specifically includes evaluations pursuant to American National Standards Institute (ANSI) standards relating to heavy loads and wind;

2. The location where each proposed small wireless facility or utility pole would be installed and digital photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. The photographs shall include a digital photo simulation of the proposed location providing “before and after” views demonstrating the true visual impact of the proposed small wireless facilities on the surrounding environment;

3. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

4. The equipment type and model numbers for the antennas and all other equipment associated with the small wireless facility;

5. To the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system, the wireless provider is required to install small wireless facilities with antenna and other equipment that have the smallest visual profile;

6. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;

67. Certification that, to the best of the applicant’s knowledge, the collocation complies with the written design standards established by the Village, and with the various other requirements set forth in this chapter and code;

78. Copies of all licenses, permits and approvals required by or from the Village (i.e. zoning approval, where required), other agencies and units of government with jurisdiction over the design, construction, location and operation of said small wireless

facility. The applicant shall maintain such licenses, permits and approvals in full force and effect and provide evidence of renewal or extension thereof when granted; and

~~89.~~ In the event the small wireless facility is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Village, legally competent evidence of the consent of the owner of such pole or wireless support structure to the proposed collocation.

10. Information on whether a pre-application review was conducted by or with Village staff. It is recommended that applicants arrange a review of the proposed location and design of small wireless facilities and new wireless support structures with the Village's director of public services or his or her designee and other applicable staff prior to application. Such review does not constitute approval, but is instead designed to promote administrative efficiency by identifying existing utility conflicts, consideration of possible alternative locations, and other issues that might be readily identified and/or resolved by communication between the applicant and Village staff.

11. Certification from a radio engineer that the small wireless facility will operate within all applicable FCC standards, including, but not limited to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan for the applicant's facility capable of tracking and recording the daily amounts or levels of radio frequency emissions produced by the equipment, in order to verify on an ongoing basis that the small wireless facility will not exceed applicable FCC radio frequency emissions. In addition, a baseline test of the radio frequency emissions of a small wireless facility shall be performed by the wireless provider, at its sole cost and expense, at the time of initial activation, and the results provided to the Village's director of public services or his or her designee. In addition, when a radio transceiver or antennas are replaced or added to an existing small wireless facility, the wireless provider shall provide certification from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards, including, but not limited to, radio frequency emissions.

12. Proof of all applicable licenses or other approvals required by the FCC, including but not limited to information showing the small wireless facility has received any required review (e.g., environmental assessment and review) by the FCC pursuant to the National Environmental Policy Act ("NEPA"), or is exempt from such requirements. If the applicant claims the small wireless facility is exempt, it must state the basis for the exemption and provide proof, including supporting documents that establish that the facility meets such exemption.

13. A written report that analyzes acoustic levels for the small wireless facility and all associated equipment including, but not limited to, temporary or permanent backup

generators, in order to demonstrate compliance with applicable Village noise regulations, including, but not limited to, Section 9-12-2 of the Village Code. The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment, and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment, including equipment underground, will not, both individually and cumulatively, exceed the applicable limits.

14. A written description and/or map identifying the geographic service area for the small wireless facility.

15. For work in the public right-of-way, evidence of posting of the security fund as required in Section 7-1G-10 of this code.

16. Where installation is proposed in a right-of-way, as defined in this chapter, that consists of an "easement for compatible use", a certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain and remove a small wireless facility and associated equipment in or on the easement for the length of the permit. If the applicant is claiming access to the easement as an assignee or successor in interest, the applicant shall, in addition, provide documents demonstrating that its assigned or successor rights in the easement are sufficient to allow it to install, mount, maintain and remove the small wireless facility and associated equipment for the length of the permit.

17. A master plan which identifies the location of the proposed small wireless facility in relation to all existing and potential locations in the Village that are reasonably anticipated for construction within two (2) years of submittal of the application.

18. The name of the applicant, the name of the wireless service provider on whose behalf the proposed installation is being performed, and any additional parties proposed to be involved in the installation.

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, the exact location 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. In addition, the applicant shall post a sign measuring at least nine (9) inches by twelve (12) inches in a conspicuous location at each proposed location of a small wireless facility installation. Such signs shall be in a form provided by the Village, and shall include an image of the proposed small wireless facility. The applicant shall supplement its application with proof of mailing of required notices no less than two (2) calendar days after mailing of the notices, and an affidavit attesting to the posting of the required signs no less than two (2) days after posting. The applicant shall supplement its application with copies of all email, letter and other written communications received in response to the mailed notice within seventeen (17) days of mailing;

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.~~

D. Permit Application Fees: All applications for collocation of small wireless facilities shall be accompanied by a nonrefundable application fee in the following amounts:

Request to collocate a small wireless facility that includes the installation of a new utility pole	\$1,000.00
Request to collocate a single small wireless facility on an existing utility pole or wireless support structure	\$650.00
Request to collocate multiple small wireless facilities on existing utility poles or wireless support structures addressed in a single application	\$350.00 per small wireless facility

E. Permit Review Timelines:

1. Completeness of Application: Requests for the collocation of small wireless facilities shall be reviewed for conformance with the requirements of the Act, this chapter, and other applicable provisions of this code. Within thirty (30) days after receiving an application, the Village must determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. Processing deadlines are tolled from the time the Village sends a notice of incompleteness to the time the applicant provides the missing information.

An application shall be deemed complete if the Village fails to provide notification to the applicant within thirty (30) days of the date when all documents, information, and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

2. Existing Utility Pole or Wireless Support Structure: Requests for the collocation of small wireless facilities on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and either approved or denied within ninety (90) days of submission of a completed application. A permit application shall be deemed approved if the Village fails to approve or deny the application within ninety (90) days, subject to the following: if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than seventy-five (75) days after the submission of a completed application. The permit shall be deemed approved on the later of the ninetieth (90th) day after submission of the completed application, or the tenth (10th) day after receipt of the deemed approved notice by the Village. Receipt of a deemed approved notice by the Village shall not preclude the Village from denying the permit within the allowed time limit.

3. New Utility Pole: Requests for the collocation of small wireless facilities that include the installation of a new utility pole shall be processed on a nondiscriminatory basis and either approved or denied within one hundred and twenty (120) days of submission of a completed application. A permit application shall be deemed approved if the Village fails to approve or deny the application within one hundred twenty (120) days, subject to the following: if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five (105) days after the submission of a completed application. The permit shall be deemed approved on the later of the one hundred twentieth (120th) day after

submission of the completed application, or the tenth (10th) day after receipt of the deemed approved notice by the Village. Receipt of a deemed approved notice by the Village shall not preclude the Village from denying the permit within the allowed time limit.

F. Tolling: The time limitations for approval or denial of applications shall be tolled by notice to an applicant that its application is incomplete as set forth above, upon mutual agreement of the parties, or by a local, State or federal disaster declaration or similar emergency that causes a delay.

G. Pole Replacement: Permit approval shall be conditioned on the replacement of a utility pole or wireless support structure at the applicant's sole cost where such replacement is deemed necessary for compliance with the requirements of this chapter or code relative to the siting of small wireless facilities, or other applicable codes and regulations that concern public safety.

H. Denial: The Village shall deny an application that does not meet the requirements of this chapter. The reasons for any denial of a permit shall be provided in a written notice of denial sent to the applicant, and shall include the specific code provisions or application conditions on which the denial is based.

I. Resubmittal After Denial: In the case of a permit denial, an applicant may cure the deficiencies identified in the notice of denial and resubmit a revised application once within thirty (30) days after the notice of denial is sent without payment of an additional application fee. The Village shall have thirty (30) days to approve or deny the resubmitted application or it is deemed approved, if the applicant has notified the Village of its intention to proceed with the permitted activity on a deemed approved basis, which notification may be submitted with the resubmitted application. Review of a resubmitted application is limited to the deficiencies cited in the original notice of denial. This subsection does not apply if a revised application is not resubmitted within thirty (30) days, or curing any deficiencies in the original application requires review of a new location, new or different structure for collocation, new antennas, or other wireless equipment associated with the small wireless facility. In such cases, a new application and application fee are required.

J. Consolidated Applications: Consolidated applications for small wireless facilities for the collocation of up to twenty-five (25) small wireless facilities shall be allowed if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. Each consolidated application shall provide all the information required by this chapter for each small wireless facility at each location. If such an application includes incomplete information for one or more small wireless facility collocations, or includes requests for small wireless facilities that do not qualify for consolidated treatment, or that are otherwise denied, the Village may remove such

collocation requests from the application and treat them as separate requests. Separate permits may be issued for each collocation approved in a consolidated application.

K. Alternate Locations: If an applicant is seeking to install a small wireless facility associated with a new utility pole as part of its application, the Village may propose that the small wireless facility be located on an existing utility pole or existing wireless support structure within two hundred (200)~~one hundred (100)~~ feet of the proposed collocation. Where an existing utility pole is proposed for collocation, the entity owning the utility pole shall provide access for that purpose, and the fee charged to the applicant shall be the lowest rate charged by the entity for other wireless providers and shall not exceed the entity's actual costs, as required by Section 11-80-24 of the Act. The applicant shall accept the proposed alternate location so long as it has the right to use the location on reasonable terms and conditions, unless the alternate location imposes technical limits or additional material costs as determined by the applicant. If the applicant refuses an alternate location based on the foregoing, the applicant shall provide legally competent evidence in the form of a written certification, under oath, describing the property rights, technical limits or material cost reasons that prevent the alternate location from being utilized.

L. Exemptions: No application, permit approval or fee shall be required from a communications service provider authorized to occupy the right-of-way when the work in question is for:

1. Routine maintenance not requiring replacement of wireless facilities if the wireless provider notifies the Village in writing at least forty-eight (48) hours prior to the planned maintenance;

2. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village in writing at least ten (10) days prior to the planned replacement and includes equipment specifications, including (i) equipment type and model numbers, for the replacement of equipment consistent with the equipment specifications information required on a permit application for original installation; and (ii) information sufficient to establish that the replacement is substantially similar. To the extent commercially available, technologically compatible with the local network system, and already used in its national or regional wireless network system, the wireless provider is required to, when replacing such small wireless facilities, install wireless facilities with antenna and other equipment that have the smallest visual profile. The wireless provider shall provide all information necessary and requested by the Village to establish that the replacement is substantially similar. Wireless facilities that vary significantly in design, or increase power output, frequency, bandwidth or performance, or change the location of the small wireless facility upon the utility pole or wireless support structure, or increase signal strength, or make other modifications in other key components, are not

substantially similar, and are subject to standard application processes, permitting requirements, and fees. The Village has the sole right and responsibility to determine if a proposed small wireless facility is substantially similar to the existing small wireless facility. In addition, when a radio transceiver or antennas are replaced or added to an existing small wireless facility, and regardless of whether an application or permit are required, the wireless provider shall provide certification to the Village from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards, including, but not limited to, radio frequency emissions; or

3. The installation, placement, maintenance, operation or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

The foregoing shall not exempt communications service providers from Village permitting requirements where traffic patterns are affected or lane closures are required.

SECTION 4: The reference to “Village Engineer” in the first sentence of subsection C. in Section 13-8-8 (Height Limitations) of Chapter 13-8 (Small Wireless Facilities) shall be replaced with “Village’s director of public services.”

SECTION 5: Section 13-8-9 (General Requirements) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-9: GENERAL REQUIREMENTS:

A. Public Safety Technology: A wireless provider’s operation of a small wireless facility may not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider must install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency’s communications equipment. Unacceptable interference is 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 licenses by a public safety agency. If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the small wireless facility and later powering up the small wireless facility for intermittent testing, if necessary. The Village may terminate a permit for a small wireless facility based on such 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. The burden to establish the good faith effort shall be on the wireless provider, which shall timely deliver to the Village all information necessary to demonstrate its efforts to resolve the interference consistent with the Code of Federal

Regulations sections cited above. Failure to remedy the interference as required herein shall constitute a public nuisance and the small wireless facility may be abated through the procedures for abatement of such nuisances set forth in this code.

B. A wireless provider shall not construct or maintain any small wireless facility that:

1. Obstructs, impedes or hinders the usual travel or public safety on a right-of-way;
2. Obstructs the legal use of right-of-way by utility users;
3. Violates nondiscriminatory applicable codes;
4. Violates or conflicts with title 13 (Telecommunications) or chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code, or other applicable regulations set forth in or adopted by this code, except to the extent such chapters, sections or regulations may be modified by the provisions of this chapter; or
5. Violates the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 *et seq.*)

C. Contractual Requirements: Wireless providers shall comply with all requirements imposed by a contract between the Village and any private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

D. Ground-Mounted Equipment: Wireless providers shall comply with the ground mounted equipment spacing requirements, within rights-of-way, if any, as set forth in chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code.

E. Undergrounding:

1. The wireless provider shall comply with Village code provisions or regulations concerning undergrounding requirements, if any, that prohibit the installation of new or the modification of existing utility poles or equipment in the right-of-way.

2. A Wireless Provider may receive a variance from the Village's director of public services~~village engineer~~ or his or her designee pursuant to the procedures set forth in section 7-1G-21 (Variances) of chapter 7-1G (Construction of Utility Facilities in Rights of Way) of this code, to allow a small wireless facility to be located above ground in an area where Village ordinances or regulations prohibit or restrict above ground facilities if, in addition to demonstrating the conditions of section 7-1G-21 have been established, the wireless provider can establish that:

(a) Underground equipment is not technically feasible and there is no reasonable alternative or location that is more aesthetically favorable to adjacent property owners and to effective use and management of the right-of-way; and

(b) An above ground small wireless facility at the proposed location is necessary at the proposed location to provide coverage in a specified area; and

(c) An above ground small wireless facility at the proposed location will not disrupt traffic or pedestrian circulation or constitute a safety hazard; and

(d) An above ground small wireless facility at the proposed location will not interfere with public safety uses or frequencies; and

(e) Space exists within the public right-of-way to accommodate the above ground small wireless facility at the proposed location; and

(f) An above ground small wireless facility at the proposed location will not create a safety hazard; and

(g) The above ground small wireless facility is located and designed in such a way so as to minimize its visual impact on adjacent properties; and

(h) In any historical area, that the above ground small wireless facility will not detrimentally affect the historical nature of the area.

3. Screening for Ground Mounted Facilities. Where a ground-mounted facility is allowed, such equipment shall be screened around the perimeter in accordance with a landscape plan sealed by a professional landscape engineer. Plant materials shall include a mixture of deciduous and coniferous planting materials. The owner or wireless provider shall be responsible for maintenance of all landscaping as provided in the approved landscape plan.

4. Future Undergrounding: The Village may, from time to time, make a decision to eliminate above-ground utility poles of a particular type generally, such as electric utility poles, in all or a significant portion of the Village. In the event that such a utility pole has a collocated small wireless facility in place at the time of such a decision, the Village shall either:

a. Continue to maintain the utility pole, or install and maintain a reasonable utility pole or wireless support structure for the collocation of the small wireless facility; or

b. Offer to sell the utility pole to the wireless provider at a reasonable cost, or allow the wireless provider to install its own utility pole so it can maintain service from that location.

F. Collocation Limits: Wireless providers shall not collocate small wireless facilities within the communication worker safety zone of the pole or the electric supply zone of the pole on Village utility poles that are part of an electric distribution or transmission system ~~within the communication worker safety zone of the pole or the electric supply zone of the pole.~~

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subsection, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

G. Code Compliance: Wireless providers shall comply with applicable codes and local code provisions or regulations that concern public safety.

H. Radio Frequency Compliance: Wireless providers shall comply with the FCC's radio frequency emissions standards at all times. Wireless providers are required to perform on-going monitoring of small wireless facilities to ensure all equipment continues to operate within allowable FCC radio frequency emission ranges and shall, on a quarterly basis, provide to the Village a certification with supporting information confirming whether all of the wireless provider's small wireless facilities within the Village operated in compliance with all FCC radio frequency emission limits during the quarterly reporting period. The certified report for each quarter shall be delivered to the village manager no later than April 30 (for quarter ending March 31), July 31 (for quarter ending June 30), October 31 (for quarter ending September 30), and January 31 (for quarter ending December 31). A wireless provider shall, upon request of the Village at any time, perform radio frequency testing of all or specific small wireless facilities, provide such testing results to the Village, and shall promptly respond to all Village requests for information and/or cooperation with respect to any of the foregoing. Village staff may, at the Village's option, accompany the wireless provider or its agents in the performance of such testing. Any small wireless facility found not to comply with FCC radio frequency emission standards shall be immediately reported by the wireless provider to the FCC, with a copy of such report sent at the same time to the village manager, and shall be powered-down, adjusted, repaired, and/or replaced, or shut off and/or removed by the wireless provider within three (3) calendar days of the provider becoming aware of the violation. Small wireless facilities that exceed the FCC's radio frequency emissions standards are declared a public nuisance, and may be summarily abated by the Village. Failure by a wireless provider to cure a violation of the FCC radio frequency emission standards within three (3)

calendar days shall result in a revocation of the applicable small wireless facility permit, and/or a citation for maintaining a public nuisance with a fine in the amount of seven hundred and fifty dollars (\$750), with each day of continued operation without cure being a separate violation. In the event the Village determines that a small wireless facility is not in compliance with any legal requirements or conditions related to radio frequency, the wireless provider shall, in addition to the foregoing, be responsible for all costs and expenses incurred by the Village in connection with the investigation, enforcement and/or remediation of such noncompliance.

I. Annual Certification: In January of each year, a wireless provider shall submit an affidavit to the Village which shall list, by location, all small wireless facilities it owns within the Village, and shall certify: (1) each such installation remains in use; (2) such in-use facility remains covered by required insurance; and (3) each such installation which is no longer in use. Any small wireless facility that is no longer in use shall be removed by the wireless provider within ninety (90) calendar days of delivery of the affidavit.

SECTION 6: Section 13-8-10 (Stealth, Concealment and Design Standards) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-10: STEALTH, CONCEALMENT AND DESIGN STANDARDS:

Every small wireless facility installation shall comply with the following standards:

A. General Stealth, Concealment And Design Standards: Installations shall comply with any stealth, concealment, design and aesthetic standards applicable to utility installations in the public right-of-way, as set forth in this title and title 7, chapter 1, article G, "Construction Of Utility Facilities In Rights-Of-Way", of this Code, as well as any written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, design and aesthetic requirements that are otherwise identified by the Village in an ordinance, written policy adopted by the Village Board of Trustees, in the Village's comprehensive plan, or in a written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a Historic District.

B. Historic Districts And Landmarks: For areas designated as Historic Districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District, or on buildings or structures designated as historic landmarks pursuant to title 14, "Historic Preservation", of this Code, in addition to the stealth, concealment and design requirements referenced above, the following additional restrictions/conditions apply to the installation of small wireless facilities:

1. Small wireless facilities shall not be mounted on any Village-owned ornamental street lights in any Historic District;

2. Small wireless facilities shall not be mounted on any historic landmark or on contributing structures in any Historic District;

3. Small wireless facilities and wireless support structures may not be located in the right-of-way in front of any historic landmark or in front of any contributing structure in areas designated as historic districts, including but not limited to the Village's National Register Downtown Historic District and the Robbins Park Historic District.

~~34.~~ Small wireless facilities within the right-of-way or on private property in any designated Historic District shall utilize stealth technology and be designed in such a manner so as to preserve the character of district, ensure consistency with the surrounding elements, blend architecturally with any buildings or structures designated as historic landmarks or located within a designated Historic District, and shall be designed to blend with the surrounding historical landmarks and/or district in design and color.

5. Small wireless facilities within historic districts may, at the discretion of the village manager, be forwarded to the Historic Preservation Commission for advisory review as to design, location and impact on the District's landmark status, subject to any permit review timelines as specified in Section 13-8-5.E. of the Village Code.

C. Historic District Or Landmark Limitations:

1. Any stealth, concealment and design standards in a Historic District or on a historic landmark, including restrictions on a specific category of utility poles, may not have the effect of prohibiting any provider's technology. Such stealth, concealment and design measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility.

2. This section shall not be construed to limit the Village's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 USC section 300101 et seq., and the regulations adopted to implement those laws. (Ord. O2018-38, 9-4-2018)

SECTION 7: Section 13-8-15 (Abandonment) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-15: ABANDONMENT:

A. A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of the facility shall remove the small wireless facility and any associated wireless support structure or utility pole within ninety (90) days after receipt of written notice from the Village notifying it of the abandonment. The requirement that a wireless support structure or utility pole associated

with an abandoned small wireless facility be removed does not apply if the owner of the facility does not own or otherwise have the right to remove the structure or pole, and does not apply to Village-owned utility poles unless requested by the Village. The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at its last known address. If the small wireless facility and associated wireless support structure or utility pole, if any, is not removed within ninety (90) days after receipt of such notice, such wireless facility and associated structure or pole shall be deemed to be a nuisance and the Village may remove or cause the removal of such facility, structure or pole and recover or place a lien for its costs, pursuant to the terms of its pole attachment or other agreement for Village utility poles or through the procedures for abatement of nuisances set forth in this code.

B. In the event the Village suspects that the wireless provider is no longer using the small wireless facilities to provide wireless service, it may send the wireless provider written notice that requires the wireless provider to remove the small wireless facility and associated wireless support structure or utility pole or provide proof that the small wireless facility is operational and still being used within thirty (30) days, and informs the wireless provider that failure to provide proof or to remove the small wireless facility, and any associated wireless support structure or utility pole will result in the Village removing the small wireless facility, structure or pole at the wireless provider's cost.

SECTION 8: Section 13-8-20 (Revocation of Permit) of Chapter 13-8 (Small Wireless Facilities) of the Village Code of Hinsdale is amended to read in its entirety as follows:

13-8-20: REVOCATION OF PERMIT:

A. A permit to collocate a small wireless facility may be revoked for one or more of the following reasons:

1. The wireless provider obtained approval by means of fraud or made a misrepresentation of a material fact with respect to the permit application, or any required documentation or submittal.

2. The wireless provider failed to construct the small wireless facility in accordance with the approved plans.

3. The wireless provider failed to comply within any material condition of a permit issued.

4. The wireless provider substantially expanded or altered the use or the structure of the small wireless facility beyond what was requested in the permit application or approved, without the approval of the Village.

5. The wireless provider failed to notify the Village of the replacement of small wireless facilities as required by this chapter.

6. A substantial change of law has occurred affecting the wireless provider's authority to occupy or use the property upon which the small wireless facility is located.

7. The small wireless facility interferes with vehicular or pedestrian use of the public right of way.

8. The wireless provider has failed to make a safe and timely restoration of the right-of-way or the property upon which the small wireless facility is located.

9. The wireless provider has failed to properly maintain the small wireless facility as required by this chapter.

10. The wireless provider has failed to abate interference with public safety communications 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.

11. The small wireless facility has been abandoned and the wireless provider has failed to remove the small wireless facility as provided in this chapter.

12. The small wireless facility is found to have been in violation of FCC radio frequency emission standards and the wireless provider, after becoming aware of such violation, fails to shut-down or otherwise cure the violation within three (3) calendar days.

B. Written notification of the permit revocation shall be sent by certified mail or shall be personally delivered to the wireless provider setting forth the basis for the revocation. The wireless provider shall, within fourteen days of the notice of revocation, file a written response with the Village's director of public services~~village-engineer~~ or his or her designee setting forth the reasons why the permit should not be revoked along with such evidence in opposition to the revocation as the wireless provider determines necessary. Failure to file a response with the Village's director of public services~~village-engineer~~ or his or her designee shall be deemed an admission of the facts set forth in the notification of written notification and shall result in automatic revocation of the permit. The Village's director of public services~~village-engineer~~ or his or her designee shall render findings and a decision within twenty-one days of the date of receipt of the wireless provider's response, if any.

C. If the Village's director of public services~~village-engineer~~ or his or her designee revokes the permit, the wireless provider may file a written notice of appeal with the Village Clerk within twenty-one (21) days of notification of the permit revocation. Such notice shall contain a response to the decision of the Village's director of public services~~village-engineer~~ or his or her designee. The Village Board shall hear the revocation appeal and render a decision on such appeal.

SECTION 9: Subsection D. of Section 7-1G-4 (Permit Required; Applications and Fees) of Chapter 7-1G (Construction of Utility Facilities in Rights of Way) of the Village Code of Hinsdale is amended to read in its entirety as follows:

D. Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection C of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, and other local or State entities with jurisdiction, have been satisfied; ~~or~~

5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed; or

6. In the case of small wireless facilities and associated utility poles or wireless support structures in the right-of-way, demonstrated conformance with the Village's adopted General Guidelines and Small Wireless Facility Design, Aesthetic, Stealth and Concealment Standards, where applicable, as such standards may be amended from time to time.

SECTION 10: A new subsection G. of Section 9-12-2 (Limitations on Noise) of the Village Code of Hinsdale is added, to read in its entirety as follows:

F. Utility equipment in rights of way: Utility equipment located in the public right-of-way and in residentially zoned districts shall be operated in such a manner so as to minimize any possible disruption to residents and occupants of nearby buildings caused by noise. Backup generators, if needed, shall only be operated during periods of power outages, and for no more than one weekly testing period not to exceed fifteen (15) minutes, and shall not be tested on weekends or holidays, or between the hours of 5:00

p.m. and 7:00 a.m. Except during periods of construction, power outages, or during authorized backup testing conforming to the time limitations in this subsection, at no time shall any utility facility, or group of ground or pole-mounted utility facilities, in a residentially zoned area be permitted to exceed 40 dBA at a ground level distance of twenty feet (20') as measured from the pole base or ground-mounted equipment, as applicable, or exceed any other applicable noise levels imposed by codes adopted by the Village.

SECTION 11: All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 12: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

SECTION 13: 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 14: This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

ADOPTED this _____ day of _____, 2022, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2022, and attested to by the Village Clerk this same day.

Thomas K. Cauley, Jr., Village President

ATTEST:

Christine M. Bruton, Village Clerk

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
COUNTY OF DUPAGE)

CLERK'S CERTIFICATE

I, Christine M. Bruton, Clerk of the Village of Hinsdale, in the Counties of DuPage and Cook, 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. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE CODE OF THE VILLAGE OF HINSDALE RELATIVE TO THE PERMITTING, REGULATION AND DEPLOYMENT OF SMALL WIRELESS FACILITIES, UTILITY NOISE AND CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT OF WAY

which Ordinance was passed by the Board of Trustees of the Village of Hinsdale at a Regular Village Board Meeting on the ____ day of _____, 2022, at which meeting a quorum was present, and approved by the President of the Village of Hinsdale on the ____ day of _____, 2022.

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

AYES: _____

NAYS: _____

ABSENT: _____

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 Hinsdale, this ____ day of _____, 2022.

Village Clerk

[SEAL]