

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE III OF THE CODE OF THE CITY OF PEORIA PROVIDING FOR THE REGULATION OF ATTACHMENTS TO POLES IN THE RIGHT-OF-WAY

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act (the Act), which became effective on June 1, 2018; and

WHEREAS, the City of Peoria, is an Illinois home-rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the City is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to attachments to utility poles in its jurisdiction, including small wireless facilities, distributed antenna systems and other personal wireless telecommunication facility installations in the public right-of-way as long as it does not conflict with State and federal law,

NOW, THEREFORE, be it ordained by the corporate authorities of the City of Peoria as follows:

Section 1: Chapter 26, Article III of the Code of the City of Peoria is hereby amended by adding the following:

Section 26-90. Pole Attachment Standards and Regulations.

Notwithstanding conditions of existing or future franchise agreements, third-party attachments to poles will be permitted to be placed in right-of-way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure subject to the following regulations:

(a) **Number Limitation and Co-Location.** The Director of Public Works or his/her designee may regulate the number of third-party appurtenances allowed on each utility pole or unit of City-owned infrastructure. No more than two (2) third-party appurtenances will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less. No more than three (3) third-party appurtenances will be permitted on utility poles or Alternative Antenna Structures in excess of ninety (90) feet and less than one-hundred and twenty (120) feet. This Ordinance does not preclude or prohibit co-location of devices on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.

(b) **Attachment Limitations.** No third-party antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or City-owned infrastructure unless all of the following conditions are satisfied:

(1) **Surface Area of Antenna:** The third-party antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot inhabit more than six (6) cubic feet in volume.

(2) **Size of Above-Ground Third-party Facilities:** The total combined volume of all above-ground equipment and appurtenances attached to a pole, exclusive of any associated antenna, cannot exceed twenty-eight (28) cubic feet.

(3) **Placement of Attached Equipment:** Whenever possible, the base of equipment or appurtenances shall be located at a height of no lower than eight (8) feet above grade. Equipment shall be placed so as not to interfere with the installation or maintenance of City street signage or lighting. Where possible, it is preferable to locate equipment on poles other than those supporting traffic signal devices. All pole-mounted equipment shall be installed as flush to the pole as possible using stainless steel banding straps; no drilling into the poles or bases is allowed. All pole mounted equipment shall be located as close together as possible and if possible on the same side of the pole. Equipment shrouds and cages are encouraged.

(4) **Equipment Mounted at Grade:** New ground-mounted equipment is not permitted, unless the applicant shows clear and convincing evidence that the equipment cannot be feasibly installed as a pole-mounted installation, in an environmentally controlled underground vault, or within an existing street feature (such as a bus stop shelter) for a valid technical reason. Increased costs alone shall be presumed to be insufficient. In the event that ground-mounted equipment is used, it must conform to the following requirements:

(a) **Self-Contained Cabinet or Shroud.** The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the tapered metal pole (with the exception of wooden power poles) and undergrounded between the pole and the ground-mounted cabinet.

(b) **Concealment.** The Ground-Mounted Equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

(c) **Encasement and ADA Compliance.** In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, the equipment shall be encased and meet the requirements of the Americans with Disabilities Act (ADA).

(5) **Height:** The top of the highest point of the antenna cannot extend more than ten (10) feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure. If necessary, a replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public right-of-way may be no more than ten (10) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than fifty (50) feet in height overall, whichever is less.

- (6) Color: Equipment and appurtenances attached to a pole must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover or conduit or contained within the pole.
- (7) Antenna Panel Covering: An antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.
- (8) Wiring and Cabling: Wires and cables connecting an antenna to the remainder of a facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by the City or a cable television or video service operator, electric utility or telephone utility. To reduce clutter and deter vandalism, excess cable for wireless communication facilities shall not be spooled, coiled or otherwise stored on a City pole except within an enclosure such as a cage or cabinet.
- (9) Forces and Loads: Equipment shall be designed to withstand wind forces and ice loads in accordance with applicable structural integrity standards without the use of supporting guy wires.
- (10) Grounding: Equipment must be grounded in accordance with the requirements of the electrical code currently in effect in the City.
- (11) Guy Wires: No guy or other support wires will be used in connection with a new attachment unless the proposed facility is to be attached to an existing utility pole, alternative antenna support structure, tower or City-owned infrastructure that incorporated guy wires prior to the date the attachment commences.
- (12) Pole Extensions: Extensions to utility poles, alternative support structures, towers and City-owned infrastructure utilized for the purpose of third-party equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in 13 below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or City-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.
- (13) Structural Integrity: Third-party equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 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.

(c) *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on equipment attached to poles is prohibited. Equipment shall be positioned to allow for the installation and maintenance of City street signage as required.

(d) *Utility Location Requests.* Where third-party attachments include underground facilities/lines, the owner of said attachments is responsible for providing utility locating services for any underground facilities installed by the owner.

(e) *Variance Requirements:* Each location of a personal wireless telecommunication facility within a right-of-way must meet all of the requirements of this Ordinance, unless a special use designation has been granted by the City Council.

(f) *Removal and Replacement.* The owner of attachments to City poles understands and acknowledges that the City may require the owner to remove or relocate its equipment from the right-of-way for City construction projects, as allowed by state and federal law, without cost to the City. If the owner fails to remove or relocate the equipment within 120 days of the City’s notice, then the City shall be entitled to remove the equipment at the owner’s sole cost and expense, without further notice to the owner.

(g) *Landscape Maintenance.* When necessary to conduct vegetation management services to render efficient, safe and continuous services, the personal wireless communications provider may conduct vegetation management activities using proper care and discretion in its vegetation management activities in accordance with applicable law, including without limitation, 220 ILCS 5/8-505.1.

Section 2. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and publication thereof.

PASSED THIS ____ day of _____, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel