

Willowbrook

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Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



Proud Member of the
Illinois Route 66 Scenic Byway

A G E N D A

REGULAR MEETING OF THE MUNICIPAL SERVICES COMMITTEE TO BE
HELD ON MONDAY, JUNE 11, 2018, AT 5:30 P.M. AT THE VILLAGE HALL,
835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE
COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - a) May 14, 2018 Regular Meeting of the
Municipal Services Committee
4. DISCUSSION – Organic/Natural Turf Care Program for the 2018/19
Lawn Care Season – Pure Prairie Organics
5. DISCUSSION – Small Wireless Facilities Deployment Act
6. REPORTS – Municipal Services Department:
 - a) May 2018 Monthly Permit Activity Report
 - b) April 2018 Water System Pumpage Report
7. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
8. COMMUNICATIONS:
 - a) Lane Court Bridge Repair Work
 - b) 2018 IEPA Public Water Supply (PWS) Inspection
9. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE MUNICIPAL SERVICES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, MAY 14, 2018 AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER

Chairman Paul Oggerino called the meeting to order at 5:32 PM.

2. ROLL CALL

Those present at roll call were Chairman Paul Oggerino, Trustee Terrence Kelly, and Village Administrator Tim Halik. Absent: None.

3. APPROVAL OF MINUTES

- a) After review of the draft minutes from the April 9, 2018 regular meeting of the Municipal Services Committee, Trustee Terry Kelly made a motion to approve the minutes as presented. Chairman Paul Oggerino seconded the motion. Motion Carried

4. DISCUSSION – Lane Court Bridge Maintenance and National Bridge Inspection Standards (NBIS) Requirements

Administrator Halik advised the Committee that on March 8, 2018, public works crews were performing annual right-of-way inspections after the winter season. These site inspections include checking the Lane Court bridge. On this date, the public works foreman observed a slight gap in the asphalt on the Lane Court bridge near one of the ends at the embankment. He then went underneath the bridge to investigate and found that the metal pan, which supports the asphalt surface, in that area appeared deteriorated. Staff contacted our consultant engineer, CBBEL, and asked that one of their structural engineers inspect the bridge ASAP. The S.E. determined that the gap in the asphalt is not a concern, in that it is not a structural element of the bridge. However, recommended that the rusting of the metal components under the bridge be further evaluated, but the S.E. also determined that the rusting was not an immediate risk. A structural evaluation was authorized to be completed by CBBEL S.E.'s, which included a full review of the original bridge plans along with an evaluation of the extent of the rusting and deterioration that can be observed on the lower steel components of the bridge. Halik advised that the evaluation report was received on April 17, 2018, and a copy of which is included in this packet. The report details the existing structure, field observations, and includes near-term and long-term maintenance recommendations. In addition, the report states that as a result of a change in Federal Highway Administration scope, the Lane Court Bridge is now required to be included on IDOT's bridge inspection inventory and be inspected in accordance with the requirements of the National Bridge Inspection Standards. With regard to maintenance, the report concludes that the bridge is currently in fair condition but is in need of maintenance repairs at this time consisting of blasting and re-coating of the structural steel on the underside of the bridge. Staff solicited proposals from two known specialty contractors that complete this type of work. One contractor was unresponsive, but the other, McCahill Paining Company, submitted a proposal in the amount of \$14,935 to complete the required near-term maintenance work. Halik advised that funding to complete this bridge maintenance work was not included

in the FY 2018/19 budget, but staff would recommend that it be performed this spring. Once the repairs are made, staff would also recommend that the Lane Court Bridge be added to IDOT's bridge inspection inventory. The Committee advised that there was no objection to proceeding with McCahill Painting in order to ensure that the work can be done sooner than later.

5. DISCUSSION – Sealcoating of Various Village Parking Facilities

Administrator Halik advised the Committee that as part of this season's general maintenance work, various Village owned asphalt parking facilities are in need of routine sealcoating and re-striping of pavement markings, including: The Village Hall west lot, Community Park, and Willow Pond Park – old parking area only. Halik advised that based on previous bid results, staff continues to receive the lowest proposals and quality work for this type of work, from Black Magic Sealcoating, Orland Park, IL. Therefore, we again requested a proposal from Black Magic. The proposal from Black Magic was received on April 30, 2018 and includes the following pricing: Village Hall - \$1,182.00, Community Park - \$4,752.00, and Willow Pond Park - \$527.00. Staff initially thought of also sealcoating the Lane Court bridge. However, after further consideration it was determined that there was no way to close the bridge to enable the sealcoating material to dry. Halik shared that given our past positive experience with Black Magic Sealcoating, staff recommends that the proposal be accepted to sealcoat and re-stripe the three identified parking facilities. The Committee had no objection to proceeding with Black Magic Sealcoating.

6. REPORT – Reformatted Willowbrook Comprehensive Plan/1993

Administrator Halik advised the Committee that the FY 2017/18 Budget included \$7,500 in funding to reformat the Village's 1993 Amendment to the Comprehensive Plan. Although the content of the plan was not altered during the reformatting, the document itself was outdated and in need of updating. This work began in the fall of 2017 and was completed by WBK Associates. Halik shared that included with the packet were copies of a first draft of the reformatted plan received on May 9th. Halik further advised that staff has begun reviewing the draft for typographical errors and formatting issues so that a corrected final copy can be sent for printing. Trustee Kelly commented that he does not see the value of distributing the plan given the information it contains is outdated. He requested further explanation. Halik advised that the Comp Plan dates back to 1993 and is in fact outdated. However, the development of a plan amendment would be expensive – likely in excess of \$100,000 and is arguably not needed given that Willowbrook is largely built-out. Most of our larger projects are re-developments of existing uses. Halik advised that for several years we have attempted to secure a Local Technical Assistance, or LTA, grant from CMAP to assist in the development of an updated Comp Plan. Under the LTA grant CMAP would provide personnel to assist the Village in the process of updating the Plan. This would greatly reduce the cost of the update. Unfortunately, over two previous grant cycles we have been unsuccessful in securing such a grant and the program has since been scaled back making it harder to obtain. Halik agreed that the document is outdated but does not believe it would be in our best interest to fund such a project at the present time. Halik advised that he could obtain a current proposal from WBK Associates for a full Comp Plan amendment but believes it would likely be in excess of \$100,000 and could take a year to complete. Staff will also try to determine the next CMA LTA grant cycle.

7. REPORTS – Municipal Services Department

- a. Administrator Halik reviewed the monthly permit activity report for the month of April 2018. Halik advised that the Village received about \$150,000 in permit revenue for the month. Halik advised that for fiscal year 2017/18, the department has brought in a total of approximately 255% of the budgeted revenue.
- b. Administrator Halik shared the water system pumpage report for March 2018. The reports indicate that the Village pumped 25,388,000 gallons of water in the month. The total amount of water pumped so far in the 2017/18 fiscal year is about .77% below the amount of water pumped in the same time period of the previous fiscal year. However, we are still close to being on track to meet the 350,000,000 pumpage projection for the year, which is currently tracking at 90.5% at 11 months through the year.
- c. Administrator Halik shared the March and April 2018 scavenger report, and advised the report is for informational purposes only.

8. VISITOR'S BUSINESS

(None)

9. COMMUNICATIONS

- a) Administrator Halik advised the Committee that all items noted during the IEPA's audit inspection of the Village's water system on March 27, 2018 have been addressed. Halik shared that pictures of all completed items were forwarded to the IEPA on April 25, 2018. Staff is now awaiting written acknowledgement from the IEPA of our successful passing of the audit inspection.

With regard to the IEPA Water Operator's License, Trustee Kelly recommended that the current job description for public works employee be reviewed to ensure it reflects the need for appropriate math skills in order to pass the operator's exam. Trustee Kelly also asked that staff work on assembling an inventory or listing of which Village employees hold the necessary professional licenses at the Village.

10. ADJOURNMENT

Motion to adjourn was made by Chairman Oggerino, seconded by Trustee Kelly. The meeting was adjourned at 6:07 PM.

(Minutes transcribed by: Tim Halik, 6/4/18)

MUNICIPAL SERVICES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSSION – Organic/Natural Turf Care Program for the 2018/19 Lawn Care Season – Pure Prairie Organics

COMMITTEE REVIEW

☐ Finance/Administration

☒ Municipal Services

☐ Public Safety

Meeting Date:

June 11, 2018

☒ Discussion Only

☐ Seeking Feedback

☐ Regular Report

☐ Approval of Staff Recommendation (for consideration by Village Board at a later date)

☐ Approval of Staff Recommendation (for immediate consideration by Village Board)

☐ Report/documents requested by Committee

BACKGROUND

As the Committee will recall, In April of 2015, staff received concerns from a Village resident regarding the use of chemical herbicides, pesticides, and fertilizers within park properties. The resident lives adjacent to one of the Village parks and feels the frequencies of treatments are excessive resulting in overuse of the chemicals which can cause a health risk. He was invited to share the information that he referenced as part of a larger discussion on the issue at the May 11, 2015 regular meeting of the Municipal Services Committee. At that meeting, he shared relevant information on the topic and raised concerns including proper conditions for applications, frequency of applications, the propensity for lawn care companies to oversell their programs for profit, and the health risks to children and pets being exposed to lawn care chemicals. Although the Village had already entered into a contract with a lawn care provider for the 2015/16 season, the Committee directed staff to research this subject further and make recommendations to both the Municipal Services Committee and Park & Recreation Commission pertaining to more environmentally friendly methods to properly maintain turf areas in parks and Village right-of-ways in the future.

REQUEST FOR FEEDBACK

Prior Administrative Intern Tiffany Kolodziej was assigned the task of researching this topic further. Her research led to the consideration of organic lawn care treatment options and meetings with vendors that provide such treatments. On April 25, 2016, the Village Board accepted a proposal from Pure Prairie Organics, Joliet, to conduct both an organic based blended and an organic/natural turf care program (at Borse Community Park) for 2016. At the time the proposal was accepted, it was understood that the transition from a chemical-based program to an organic/blended type turf care program would likely extend past a single season. On December 6, 2016, after the completion of the first transition season, the Parks & Recreation Commission again discussed the program. It was noted at that time that no negative comments were received in reference to the results, and that there was no discernable difference between the chemically treated areas and the organically treated areas. Therefore, the recommendation was to continue the organic based turf care program for an additional season, and the results will continue to be monitored. The vendor, Pure Prairie Organics, provided a proposal for the FY 2017/18 season for the amount of \$19,074, which represented no cost increase from last year's season. The contract was awarded by the Village Board on May 8, 2017.

STAFF RECOMMENDATION

Although late in the season, Pure Prairie Organics submitted a proposal for services in FY 2018/19 for the cost of \$19,074, which for the second year represents no price increase from the previous year.



2405 Essington Road #61
Joliet IL, 60435
630-777-2600
Chris Burisek

RECEIVED

MAY 21 2018

VILLAGE OF
WILLOWBROOK

We want to improve the soil season after season and year after year so we can move in the direction of less chemical fertilizers and less pesticides and we'll create a healthier environment for everyone in and around the Village of Willowbrook.

Most of the Village Parks will be on our 5 visit Organic Based Blended Program.
EXCLUDING BORSE Memorial Community Park - which will be on our 5 visit Organic/Natural Program.

(Late Spring, Early Summer, Late Summer, Early Fall and Late Fall)

Early Spring - Late Fall applications will be spaced apart about 5 weeks

Organic Based Blended Program for most parks will continue with:
Kelp (12-0-6), Compost Tea and Weed Control Mixture. Liquid Product
**Low Odor Triplet SF, common liquid weed control will be used throughout the year*
Applied by Perma Green (Spreader/Sprayer Machine)
The Borse Memorial Community Park will continue with our
Organic/Natural Program getting our Blend of liquid Compost Tea and Liquid blend of Kelp, Humic Acids, Fulvic Acids and Amino Acids
Applied by Perma Green (Spreader/Sprayer Machine)--

Roadside Rights of Way, Medians, and Specified Facilities will be on our 3 visit Organic Based Blended Program.

(Late Spring, Summer and Early Fall)

Our visits will be timed with Mother Nature (rain and temperature) and when the weeds are most effectively controlled.

Organic Based Blended Program for Roadside Rights of Way, Medians, and Specified Facilities
Kelp (12-0-6), Compost Tea and Weed Control Mixture. Liquid Product
**Low Odor Triplet SF, common liquid weed control will be used throughout the year (spot treatment)*
Applied by Perma Green (Spreader/Sprayer Machine and 200 gallon Lesco spray tanks and 300 ft hose sprayer)

Proposed Cost: \$19,074.00 (Same price as 2017)



Our mixture is a natural composition of compost tea, organic acids, amino acids, fulvic acids, humic acids and kelp. This aids in soil composition and health, increasing microbial activity in the soil. Microbes consist of a variety of beneficial fungi and bacteria within the soil. Their balanced microbial activity breaks down organic and non-organic matter in the soil, to which their by-product acts as a natural nutrient. Mycorrhizal fungi aids in root health and development. They grow/live one step ahead of the root system. They create an environment for the roots to thrive and grow well.

Healthy, microbial activity increases the soil's natural ability to ward off undesirable pests such as grubs. One of the ideas behind organic/natural lawn care is to create a deep and extensive root system so that when and if grubs are present and they start feeding on and near the root system it is healthy enough to withstand some insect activity... similar to someone being very healthy with a strong immune system and being around someone that may be sick. If someone is healthy and has a strong immune system they may not get the "bug" that the other person has. That does not mean it can't be damaged by grubs... but it's less likely to be damaged similar to someone less likely to get sick from a "bug" carried by some close to them.

Another idea behind organic/natural lawn care is to make the cell wall thicker than the typical chemically fed grass or trees/shrubs. If a cell wall (skin) is healthy and thick and certain insects (sod webworms in the lawn or Japanese Beetles in trees/shrubs) come to feed and they are trying to eat the grass blades or leaves of a tree/shrub but they are a bit thicker and crunchier they may go elsewhere to feed on a weaker food source. They'll be like "the heck with this... let's go someplace else". Similar to a person wanting a snack and picking a tasty salty easy to eat potato chip that's of no benefit to their body/health instead of a healthy homemade crunchy quinoa cracker full of good stuff.

Many times I relate the soil to our own bodies the importance of living a healthy lifestyle instead of just eating junk food and drinking energy drinks. If we take care of our bodies, eat well and sleep enough we are typically healthy overall... if we eat junk food, don't sleep a lot and are around people that are sick we may get sick too and feel run down. It's a very easy comparison to make and helps relate to organic/natural lawn care in a basic way. There are many complex things that go on in the soil and many factors that help create beautiful grass... but the stuff we use are a very important piece of the puzzle.

We have some lawns that we don't use pesticides in or on and when we visit these lawns for our next application we see few or no weeds there in the lawn... this is one of the ultimate goals of organic/natural lawn care. They just don't grow much in healthy thick lawns. This will be our long term goal for the areas within the Village if we are the ones servicing the grass. It does not just happen right away but in contrast the soil did not get damaged right away... it took years to damage and make it sterile so why not start now to improve, go green and use less pesticides?

Pure Prairie Organics

Chris A. Brunick

Date 5/17/18

Village of Willowbrook

Date / /

**MUNICIPAL SERVICES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET**

AGENDA ITEM DESCRIPTION

DISCUSSION – Small Wireless Facilities Deployment Act

COMMITTEE REVIEW

- ☐ Finance/Administration
☒ Municipal Services
☐ Public Safety

Meeting Date:

June 11, 2018

- | | |
|---|---|
| <input checked="" type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND

As the personal wireless industry continues to try to satisfy consumer demands for improved reliability and faster speeds, there is now a need for wireless carriers to install additional small cell antenna systems in order to obtain the bandwidth required to achieve the advertised 5G service capability. These small cell antennas are designed to serve only a portion of the area served by the original marocell sites (i.e., high-power antennas installed on towers, water tanks, tall buildings, etc.). As a result, more antennas are needed. While communities understand the consumer need for faster service and reliability, these small cell antenna sites can be unsightly, can negatively affect the character of a neighborhood which can negatively affect property values, and in some cases, pose a threat to public safety. These small cell antennas, and associated operational equipment, can be mounted on existing utility poles or municipal owned streetlights and other facilities, and can range in height. Although contrary to some of their claims, these antenna infrastructure vendors are not a regulated utility in accordance with the Telecommunications Act and cannot claim to have standing under current federal laws or FCC rules. They are not exempt from local authority. Therefore, there is a need to regulate this growing field.

The industry began meeting with state elected officials in early 2017 with the hopes of passing legislation which would pre-empt local authority to authorize the placement of the devices. At that time, local Mayors and various councils of government (COGs) joined forces to oppose any legislation which would “give away” municipal authority of local right-of-ways and our ability to properly regulate these antenna devices. The Illinois Municipal League (IML) began meeting with industry representatives along with several state elected officials in an effort to strike a compromise, but in the end, municipal concerns largely fell on deaf ears and the legislation (SB-1451) was ultimately passed by the Illinois General Assembly. At that point we re-focused our opposition efforts and attempted to work with the Governor’s Office to request his consideration of an amendatory veto (AV). Although the Governor’s Office seemed to indicate their willingness to address our concerns through an AV process, in the end the Governor signed the bill into law without changes on April 12, 2018.

REQUEST FOR FEEDBACK

The new law, Public Act 100-0585 – “The Small Cell Wireless Facilities Deployment Act,” went into effect on June 1, 2018 and severely limits municipal authority to regulate small wireless facilities. It provides a sixty (60) day period (on or before August 1, 2018) for the Village to adopt application fees consistent with the Act. The following documents are attached for further reference:

- Report dated May 31, 2018 from Attorney Matthew Holmes, Storino, Ramello & Durkin, consisting of six (6) sheets in addition to a full copy of the Act.
- Memorandum dated June 1, 2018 from Brad Cole, Executive Director of the Illinois Municipal League (IML) consisting of two (2) sheets in addition to various reference documentation.

STAFF RECOMMENDATION

Attorney Matthew Holmes from Storino, Ramello & Durkin is currently working on a draft ordinance for adoption. This ordinance will need to be reviewed and adopted at either the June 25, July 9, or July 23 Village Board meeting.

RECEIVED

JUN -1 2018

VILLAGE OF
WILLOWBROOK

LAW OFFICES

STORINO, RAMELLO & DURKIN

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May 31, 2018

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OF COUNSEL

IN REPLY REFER TO FILE NO.

Delivered via electronic mail to thalik@willowbrook.il.us

Mr. Tim Halik
Village Administrator
Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

WBRK-1

Re: The Small Wireless Facilities Deployment Act – 50 ILCS 835/1, *et seq.*

Dear Mr. Halik:

As you may be aware, Senate Bill 1451, the Small Wireless Facilities Deployment Act (the "Act") was recently signed into law as Public Act 100-0585 and codified at 50 ILCS 835/1, *et seq.* The effective date of the Act is June 1, 2018. The following is a brief overview of the Act provided for your reference.

In general, the Act significantly restricts how the Village of Willowbrook (the "Village") can regulate wireless telecommunication facilities. The Act applies throughout Illinois, except in the City of Chicago, even though City of Chicago legislators overwhelmingly voted in favor of Senate Bill 1451. The Act provides a comprehensive set of standards and procedures regarding zoning, regulation and location of small wireless facilities in public rights-of-way, including those under the jurisdiction of the Village. The term "small wireless facility" refers to the short distances which their transmissions travel, not particularly to the size of the facilities themselves. A "small wireless facility" is generally telecommunications equipment that can be as large as 25 cubic feet with antennae that can be contained within 6 cubic feet on poles or other structures in the Village's rights of way or in industrial or commercial zones. On existing poles, the antennae must be allowed to extend ten feet above the pole and on new poles must be allowed to extend ten feet higher than the height of utility poles within 300 feet of the new pole, or 45 feet above ground level, whichever is higher. The Act expressly authorizes wireless telecommunication service providers, their agents and contractors, to locate, install, mount, maintain, modify, operate or replace a small wireless facility on any freestanding pole, electric utility pole, street light, billboard, traffic signal or other structure that is capable of supporting the facility in any

STORINO, RAMELLO & DURKIN

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right-of-way of the Village. Under the Act, this is defined as to “collocate” or “collocation.” The Act classifies small wireless facilities as permitted uses which are not subject to zoning review anywhere in commercial and industrial zoning districts and in all of the Village’s rights-of-way in all zoning districts including residential districts. Further, the Act mandates certain review and permitting processes for applications for permits by small wireless providers to utilize the Village’s rights-of-way and Village owned utility poles, light poles and traffic signal poles. The Act mandates approval of the permits if the applications comply with the requirements of the Act. The Act limits the amount the Village can charge wireless service providers for application fees to locate their equipment on the Village’s property in the Village’s rights-of-way.

The following is an overview of the requirements of individual sections of the Act.

The Act defines “small wireless facility” as a “wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.” Section 10 of the Act.

The Act defines a “utility pole” as “a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.” Section 10 of the Act.

The Village may not prohibit, regulate, or charge for the collocation of small wireless facilities except as provided by the Act. Section 15(b) of the Act. Small wireless facilities are classified as permitted uses, not subject to administrative zoning review under most circumstances, nor subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use. However, the Village still may process requests to vary height limitations sought by wireless service providers. Section 15(c) of the Act.

Furthermore, the Act states that the Village may require an applicant to obtain a permit to collocate a small wireless facility subject to certain limitations. As a condition of its permit, the Village may not require an applicant to perform services unrelated to collocation of its facilities. Applicants may be required to submit (1) site specific structural integrity and make-ready analysis, (2) specific location details, (3) specifications and drawings of a structural engineer, (4) equipment type and model numbers for the proposed small wireless facility, (5) a proposed

STORINO, RAMELLO & DURKIN

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installation schedule, and (6) certification that the collocation complies with all other laws and ordinances. Section 15(d)(2) of the Act.

The Village may reserve space on utility poles for future public safety or utility uses, but such conservation of space may not preclude the collocation of small wireless facilities unless the Village reasonably determines that the utility pole cannot accommodate both uses. Section 15(d)(2). Further, the Act limits the authority of the Village to require collocation on specific utility poles, or categories of utility poles, or to require multiple antenna collocations on a single utility pole. If the provider requires installation of a new pole in the right-of-way, the Village can propose the installation of the equipment on an existing pole within 100 feet of the new pole location. Section 15(d)(3) of the Act.

The Village may limit the maximum height of a small wireless facility to not less than ten feet above the utility pole or wireless support structure upon which the facility will be located. The Village may limit new pole installation to not less than ten feet above the height of utility poles within 300 feet of the new pole, or 45 feet above ground level, whichever is higher. Section 15(d)(5) of the Act.

The Village also may reserve the right to require non-interference by small wireless facility to frequencies of public safety agencies. Wireless providers may be required to comply with requirements imposed by (1) contracts regarding design standards, (2) local codes regarding spacing requirements, (3) local undergrounding requirements, (4) certain local right-of-way construction standards, (5) regarding worker safety zones on utility poles, (6) local public safety ordinances, (7) written design and aesthetic standards, and (8) reasonable concealment standards. Section 15(d)(6) of the Act.

The Village must certify the completeness of collocation permit applications within 30 days. If the Village fails to respond, the Act deems those applications complete. Section 15(d)(7). Further, the Village is held to a strict timeframe for review and approval of applications. In most cases, applications for collocation permits for existing poles are deemed to be approved if not acted upon within 90 days of submission. New pole applications must be approved or denied within 120 days. Any denial of the applications must be justified to the applicant, and opportunities to correct any deficiencies in the application must be granted. Section 15(d)(8) of the Act.

Providers can file multiple applications simultaneously: An applicant seeking to collocate small wireless facilities within the Village is allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities, if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been

STORINO, RAMELLO & DURKIN

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provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application. Section 15(d)(11) of the Act.

Collocations must be completed within 180 days of issuance of a permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for an authority utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant. Section 15(d)(11) of the Act.

The Act mandates that right-of-way collocation permits shall be for periods of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the authority makes a finding that the small wireless facilities or the new or modified utility pole do not comply with applicable codes or local code provisions or regulations. Section 15(d)(13) of the Act.

The Village may not prohibit applications for small wireless facilities. However, applicants must comply with application submission requirements and fees. On or before August 1, 2018, (two months after the effective date of the Act) the Village must adopt application fees consistent with the Act, through the adoption of an ordinance, or in a written schedule of permit fees adopted by the Village. Application fee requirements are specified in the Act as follows:

- (1) The Village may charge an application fee of up to \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to \$350 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- (2) The Village may charge an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility for such collocation.
- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to the Act must be accompanied by the required application fee. Section 15(e) of the Act.

The Village may not charge permit fees to small wireless providers for routine maintenance or replacement of small wireless facilities. Likewise, no permit fees can be

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requested for installation of "micro wireless facilities" suspended on cables between existing utility poles. Section 15(f) of the Act.

If the Village has an existing agreement in effect at the time of the effective date of the Act, it shall remain in effect. However, applicants can opt to modify the terms of the agreements after May 31, 2020 (two years from the effective date of the Act). Any agreements entered into after June 1, 2018 (the effective date of the Act) must comply with provisions specified in detail in the Act. Section 15(i)(4)(E) of the Act.

The Village is permitted under the Act to adopt reasonable rules for removal of abandoned small cell wireless facilities. Section 15(k) of the Act.

All disputes under the Act are to be resolved in circuit court; which for the Village would be in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois. Section 25 of the Act. Wireless providers are required to indemnify the Village for any damages arising from their use of the Village's right-of-way. Section 30 of the Act. The Village is also granted limited authority to require insurance from providers as specified in the Act. Section 35 of the Act.

The Village is required to take the following actions mandated by the Act:

- Pursuant to Section 15(e)(4) of the Act, prior to August 1, 2018, the Village must adopt an ordinance adopting a fee schedule for applications submitted by wireless providers. The fee schedule must be consistent with Section 15(e)(1)-(2) of the Act.
- Pursuant to Section 15(i)(4) of the Act, prior to August 1, 2018, the Village must make available, by ordinance, or an authority utility pole attachment agreement, license or other agreement, such rates, fees, and terms for the collocation of small wireless facilities on municipal utility poles that comply with the Act. A model ordinance drafted by the Illinois Municipal League is expected to be completed on June 1, 2018. The model ordinance, once it is completed, will be reviewed by our office. The model ordinance and our comments will be provided for consideration by the corporate authorities.
- Prior to the adoption of the model ordinance and fee schedule, applications for right-of-way permits can be processed under the Village's existing right-of-way construction permit procedure subject to the limits imposed by the Act. If the Village receives a small wireless facility application from a wireless provider for use of the right-of-way or for attachment on a municipal structure, please contact our office to discuss the action required on behalf of the Village.

STORINO, RAMELLO & DURKIN

Mr. Tim Halik, Village Administrator
Village of Willowbrook
May 31, 2018
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A copy of the Act is attached for your reference. Should you have any additional questions regarding the Act, please do not hesitate to contact our office at your convenience. Thank you for your time and attention to this matter.

Very truly yours,
Storino, Ramello & Durkin

A handwritten signature in black ink, appearing to read 'Matthew G. Holmes', with a large, sweeping flourish extending to the right.

Matthew G. Holmes

Enc.

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

LOCAL GOVERNMENT
(50 ILCS 835/) Small Wireless Facilities Deployment Act.

(50 ILCS 835/1)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 1. Short title. This Act may be cited as the Small Wireless Facilities Deployment Act.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/5)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 5. Legislative intent. Small wireless facilities are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to homes, businesses, and schools in Illinois. Because of the integral role that the delivery of wireless technology plays in the economic vitality of the State of Illinois and in the lives of its citizens, the General Assembly has determined that a law addressing the deployment of wireless technology is of vital interest to the State. To ensure that public and private Illinois consumers continue to benefit from these services as soon as possible and to ensure that providers of wireless access have a fair and predictable process for the deployment of small wireless facilities in a manner consistent with the character of the area in which the small wireless facilities are deployed, the General Assembly is enacting this Act, which specifies how local authorities may regulate the collocation of small wireless facilities.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/7)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 7. Applicability. This Act does not apply to a municipality with a population of 1,000,000 or more.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/10)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 10. Definitions. As used in this Act:

"Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

"Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including

the National Electric Safety Code.

"Applicant" means any person who submits an application and is a wireless provider.

"Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

"Authority" means a unit of local government that has jurisdiction and control for use of public rights-of-way as provided by the Illinois Highway Code for placements within public rights-of-way or has zoning or land use control for placements not within public rights-of-way.

"Authority utility pole" means a utility pole owned or operated by an authority in public rights-of-way.

"Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

"Communications service" means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(33), as amended; or wireless service other than mobile service.

"Communications service provider" means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

"FCC" means the Federal Communications Commission of the United States.

"Fee" means a one-time charge.

"Historic district" or "historic landmark" means a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the authority pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

"Law" means a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

"Micro wireless facility" means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

"Permit" means a written authorization required by an authority to perform an action or initiate, continue, or complete a project.

"Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

"Public safety agency" means the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting,

police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

"Rate" means a recurring charge.

"Right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. "Right-of-way" does not include authority-owned aerial lines.

"Small wireless facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

"Utility pole" means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. "Wireless facility" includes small wireless facilities. "Wireless facility" does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

"Wireless infrastructure provider" means any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the authority.

"Wireless provider" means a wireless infrastructure provider or a wireless services provider.

"Wireless services" means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

"Wireless services provider" means a person who provides wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include a utility pole.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/15)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 15. Regulation of small wireless facilities.

(a) This Section applies to activities of a wireless provider within or outside rights-of-way.

(b) Except as provided in this Section, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities.

(c) Small wireless facilities shall be classified as permitted uses and subject to administrative review in conformance with this Act, except as provided in paragraph (5) of subsection (d) of this Section regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zone, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(d) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility. An authority shall receive applications for, process, and issue permits subject to the following requirements:

(1) An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or utility pole space for the authority on the wireless provider's utility pole. An authority may reserve space on authority utility poles for future public safety uses or for the authority's electric utility uses, but a reservation of space may not preclude the collocation of a small wireless facility unless the authority reasonably determines that the authority utility pole cannot accommodate both uses.

(2) An applicant shall not be required to provide more information to obtain a permit than the authority requires of a communications service provider that is not a wireless provider that requests to attach facilities to a structure; however, a wireless provider may be required to provide the following information when seeking a permit to collocate small wireless facilities on a utility pole or wireless support structure:

(A) site specific structural integrity and, for an authority 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;

(B) the location where each proposed small wireless facility or utility pole would be installed and 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;

(C) 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;

(D) the equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

(E) a proposed schedule for the installation and completion of each small wireless facility covered by

the application, if approved; and

(F) certification that the collocation complies with paragraph (6) to the best of the applicant's knowledge.

(3) Subject to paragraph (6), an authority may not require the placement of small wireless facilities on any specific utility pole, or category of utility poles, or require multiple antenna systems on a single utility pole; however, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, an authority may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant. The authority may require the applicant to provide a written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph (3).

(4) Subject to paragraph (6), an authority may not limit the placement of small wireless facilities mounted on a utility pole or a wireless support structure by minimum horizontal separation distances.

(5) An authority may limit the maximum height of a small wireless facility to 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated. Subject to any applicable waiver, zoning, or other process that addresses wireless provider requests for an exception or variance and does not prohibit granting of such exceptions or variances, the authority may limit the height of new or replacement utility poles or wireless support structures on which small wireless facilities are collocated to the higher of: (i) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the authority, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the authority, provided the authority may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or (ii) 45 feet above ground level.

(6) An authority may require that:

(A) the wireless provider's operation of the small wireless facilities does not interfere with the frequencies used by a public safety agency for public safety communications; a wireless provider shall 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 will be 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 licensed 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 authority 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;

(B) the wireless provider comply with requirements that are imposed by a contract between an authority and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way;

(C) the wireless provider comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances;

(D) the wireless provider comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning, or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles;

(E) the wireless provider comply with generally applicable standards that are consistent with this Act and adopted by an authority for construction and public safety in the rights-of-way, including, but not limited to, reasonable and nondiscriminatory wiring and cabling requirements, grounding requirements, utility pole extension requirements, and signage limitations; and shall comply with reasonable and nondiscriminatory requirements that are consistent with this Act and adopted by an authority regulating the location, size, surface area and height of small wireless facilities, or the abandonment and removal of small wireless facilities;

(F) the wireless provider not collocate small wireless facilities on authority 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 authority 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 subparagraph (F), 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) the wireless provider comply with the applicable codes and local code provisions or regulations that concern public safety;

(H) the wireless provider comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements that are identified by the authority in an ordinance, written policy adopted by the governing board of the authority, a comprehensive plan, or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district; and

(I) subject to subsection (c) of this Section, and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a) (4), reasonable, technically feasible and non-discriminatory design or concealment measures in a historic district or historic landmark; any such design or concealment measures, including restrictions on a specific category of 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; this paragraph may not be construed to limit an authority'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.

(7) Within 30 days after receiving an application, an authority must determine whether the application is complete and notify the applicant. If an application is incomplete, an authority must specifically identify the missing information. An application shall be deemed complete if the authority fails to provide notification to the applicant within 30 days after when all documents, information, and fees specifically enumerated in the authority's permit application form are submitted by the applicant to the authority. Processing deadlines are tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information.

(8) An authority shall process applications as follows:

(A) an application to collocate a small wireless facility on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within 90 days; however, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the authority in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application; the permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the authority; the receipt of the deemed approved notice shall not preclude the authority's denial of the permit request within the time limits as provided under this Act; and

(B) an application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within 120 days; however, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the authority in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application; the permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the authority; the receipt of the deemed approved notice shall not preclude the authority's denial of the permit request within the time limits as provided under this Act.

(9) An authority shall approve an application unless the application does not meet the requirements of this Act. If an authority determines that applicable codes, local code provisions or regulations that concern public safety, or the requirements of paragraph (6) require that the utility pole or wireless support structure be replaced before the requested collocation, approval may be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider. The authority must document the basis for a denial, including the specific code provisions or application conditions on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The authority shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved; however, the applicant must notify the authority in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the resubmitted application. Any subsequent review shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(10) The time period for applications may be further tolled by:

(A) the express agreement in writing by both the applicant and the authority; or

(B) a local, State, or federal disaster declaration or similar emergency that causes the delay.

(11) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, the authority may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for

which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The authority may issue separate permits for each collocation that is approved in a consolidated application.

(12) Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the authority and the wireless provider agree to extend this period or a delay is caused by make-ready work for an authority utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the authority grants an extension in writing to the applicant.

(13) The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the authority makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable codes or local code provisions or regulations in paragraphs (6) and (9). If this Act is repealed as provided in Section 90, renewals of permits shall be subject to the applicable authority code provisions or regulations in effect at the time of renewal.

(14) An authority may not prohibit, either expressly or de facto, the (i) filing, receiving, or processing applications, or (ii) issuing of permits or other approvals, if any, for the collocation of small wireless facilities unless there has been a local, State, or federal disaster declaration or similar emergency that causes the delay.

(15) Applicants shall submit applications, supporting information, and notices by personal delivery or as otherwise required by the authority. An authority may require that permits, supporting information, and notices be submitted by personal delivery at the authority's designated place of business, by regular mail postmarked on the date due, or by any other commonly used means, including electronic mail, as required by the authority.

(e) Application fees are subject to the following requirements:

(1) An authority may charge an application fee of up to \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to \$350 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) An authority may charge an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility for such collocation.

(3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section must be accompanied by the required application fee.

(4) Within 2 months after the effective date of this Act, an authority shall make available application fees consistent with this subsection, through ordinance, or in a written schedule of permit fees adopted by the authority.

(f) An authority shall not require an application, approval, or permit, or require any fees or other charges, from a

communications service provider authorized to occupy the rights-of-way, for: (i) routine maintenance; (ii) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the authority at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of subparagraph (D) of paragraph (2) of subsection (d) of this Section; or (iii) 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. However, an authority may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(g) Nothing in this Act authorizes a person to collocate small wireless facilities on: (1) property owned by a private party or property owned or controlled by a unit of local government that is not located within rights-of-way, subject to subsection (j) of this Section, or a privately owned utility pole or wireless support structure without the consent of the property owner; (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Act do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Act shall be construed to relieve any person from any requirement (1) to obtain a franchise or a State-issued authorization to offer cable service or video service or (2) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Act.

(h) Agreements between authorities and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, that are in effect on the effective date of this Act remain in effect for all small wireless facilities collocated on the authority's utility poles pursuant to applications submitted to the authority before the effective date of this Act, subject to applicable termination provisions. Such agreements entered into after the effective date of the Act shall comply with the Act.

(i) An authority shall allow the collocation of small wireless facilities on authority utility poles subject to the following:

(1) An authority may not enter into an exclusive arrangement with any person for the right to attach small wireless facilities to authority utility poles.

(2) The rates and fees for collocations on authority

utility poles shall be nondiscriminatory regardless of the services provided by the collocating person.

(3) An authority may charge an annual recurring rate to collocate a small wireless facility on an authority utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on the authority utility pole. Rates for collocation on authority utility poles located outside of a right-of-way are not subject to these limitations. In any controversy concerning the appropriateness of a cost-based rate for an authority utility pole located within a right-of-way, the authority shall have the burden of proving that the rate does not exceed the actual, direct, and reasonable costs for the applicant's proposed use of the authority utility pole. Nothing in this paragraph (3) prohibits a wireless provider and an authority from mutually agreeing to an annual recurring rate of less than \$200 to collocate a small wireless facility on an authority utility pole.

(4) Authorities or other persons owning or controlling authority utility poles within the right-of-way shall offer rates, fees, and other terms that comply with subparagraphs (A) through (E) of this paragraph (4). Within 2 months after the effective date of this Act, an authority or a person owning or controlling authority utility poles shall make available, through ordinance or an authority utility pole attachment agreement, license or other agreement that makes available to wireless providers, the rates, fees, and terms for the collocation of small wireless facilities on authority utility poles that comply with this Act and with subparagraphs (A) through (E) of this paragraph (4). In the absence of such an ordinance or agreement that complies with this Act, and until such a compliant ordinance or agreement is adopted, wireless providers may collocate small wireless facilities and install utility poles under the requirements of this Act.

(A) The rates, fees, and terms must be nondiscriminatory, competitively neutral, and commercially reasonable, and may address, among other requirements, the requirements in subparagraphs (A) through (I) of paragraph (6) of subsection (d) of this Section; subsections (e), (i), and (k) of this Section; Section 30; and Section 35, and must comply with this Act.

(B) For authority utility poles that support aerial facilities used to provide communications services or electric service, wireless providers shall comply with the process for make-ready work under 47 U.S.C. 224 and its implementing regulations, and the authority shall follow a substantially similar process for make-ready work except to the extent that the timing requirements are otherwise addressed in this Act. The good-faith estimate of the person owning or controlling the authority utility pole for any make-ready work necessary to enable the pole to support the requested collocation shall include authority utility pole replacement, if necessary.

(C) For authority utility poles that do not support aerial facilities used to provide communications services or electric service, the authority shall provide a good-faith estimate for any make-ready work necessary to enable the authority utility pole to support the requested collocation, including pole replacement, if necessary, within 90 days after receipt of a complete application. Make-ready work, including

any authority utility pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant at the wireless provider's sole cost and expense. Alternatively, if the authority determines that applicable codes or public safety regulations require the authority utility pole to be replaced to support the requested collocation, the authority may require the wireless provider to replace the authority utility pole at the wireless provider's sole cost and expense.

(D) The authority shall not require more make-ready work than required to meet applicable codes or industry standards. Make-ready work may include work needed to accommodate additional public safety communications needs that are identified in a documented and approved plan for the deployment of public safety equipment as specified in paragraph (1) of subsection (d) of this Section and included in an existing or preliminary authority or public service agency budget for attachment within one year of the application. Fees for make-ready work, including any authority utility pole replacement, shall not exceed actual costs or the amount charged to communications service providers for similar work and shall not include any consultants' fees or expenses for authority utility poles that do not support aerial facilities used to provide communications services or electric service. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the wireless provider, at its sole cost and expense.

(E) A wireless provider that has an existing agreement with the authority on the effective date of the Act may accept the rates, fees, and terms that an authority makes available under this Act for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted 2 or more years after the effective date of the Act as provided in this paragraph (4) by notifying the authority that it opts to accept such rates, fees, and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the authority's utility poles pursuant to applications submitted to the authority before the wireless provider provides such notice and exercises its option under this subparagraph.

(j) An authority shall authorize the collocation of small wireless facilities on utility poles owned or controlled by the authority that are not located within rights-of-way to the same extent the authority currently permits access to utility poles for other commercial projects or uses. The collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the authority and the wireless provider.

(k) Nothing in this Section precludes an authority from adopting reasonable rules with respect to the removal of abandoned small wireless facilities. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of the facility must remove the small wireless facility within 90 days after receipt of written notice from the authority notifying the owner of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the authority to the owner at the last known address of the owner. If the small wireless

facility is not removed within 90 days of such notice, the authority may remove or cause the removal of the such facility pursuant to the terms of its pole attachment agreement for authority utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery. An authority may require a wireless provider to provide written notice to the authority if it sells or transfers small wireless facilities subject to this Act within the jurisdictional boundary of the authority. Such notice shall include the name and contact information of the new wireless provider.

(1) Nothing in this Section requires an authority to install or maintain any specific utility pole or to continue to install or maintain utility poles in any location if the authority makes a non-discriminatory decision to eliminate above-ground utility poles of a particular type generally, such as electric utility poles, in all or a significant portion of its geographic jurisdiction. For authority utility poles with collocated small wireless facilities in place when an authority makes a decision to eliminate above-ground utility poles of a particular type generally, the authority shall either (i) continue to maintain the authority utility pole or install and maintain a reasonable alternative utility pole or wireless support structure for the collocation of the small wireless facility, or (ii) 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.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/20)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 20. Local authority. Subject to this Act and applicable federal law, an authority may continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles; except that no authority shall have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not otherwise owned or controlled by the authority, other than to comply with applicable codes and local code provisions concerning public safety. Nothing in this Act authorizes the State or any political subdivision, including an authority, to require wireless facility deployment or to regulate wireless services.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/25)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 25. Dispute resolution. A circuit court has jurisdiction to resolve all disputes arising under this Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority utility poles within the right-of-way, the authority shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per authority utility pole, with rates to be determined upon final resolution of the dispute.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/30)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 30. Indemnification. A wireless provider shall indemnify and hold an authority harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the authority improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the authority or its employees or agents. A wireless provider shall further waive any claims that they may have against an authority with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/35)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 35. Insurance.

(a) Except for a wireless provider with an existing franchise to occupy and operate in the rights-of-way, during the period in which the wireless provider's facilities are located on the authority improvements or rights-of-way, the authority may require the wireless provider to carry, at the wireless provider's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) commercial general liability insurance with respect to its activities on the authority improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of authority improvements or rights-of-way, including coverage for bodily injury and property damage. An authority may require a wireless provider to include the authority as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the authority in a commercial general liability policy as reasonably required by the authority.

(b) A wireless provider may self-insure all or a portion of the insurance coverage and limit requirements required by an authority. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the naming of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the authority evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limits required by the authority.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/40)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 40. Home rule. A home rule unit may not regulate small wireless facilities in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent

exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/90)

(This Section may contain text from a Public Act with a delayed effective date)

(Section scheduled to be repealed on June 1, 2021)

Sec. 90. Repeal. This Act is repealed on June 1, 2021.

(Source: P.A. 100-585, eff. 6-1-18.)

(50 ILCS 835/100)

Sec. 100. (Amendatory provisions; text omitted).

(Source: P.A. 100-585, eff. 6-1-18; text omitted.)

From: Brad Cole <bcole@iml.org>
Sent: Friday, June 01, 2018 4:02 PM
Subject: IML: Small Wireless Facilities Implementation Materials



DATE: June 1, 2018

**TO: Mayors/Village Presidents/Town Presidents
Managers/Administrators
Municipal Attorney/Corporation Counsel
Clerks**

**CC: IML Board of Directors
IML Home Rule Attorneys Committee
IML Legislative Committee
IML Managers Committee
IML Public Works Committee
Illinois Municipal Electric Agency
Regional Councils of Government
Wireless Service Providers**

**FROM: Brad Cole, Executive Director
Illinois Municipal League**

RE: Small Wireless Facilities Implementation Materials

On April 12, 2018, Governor Bruce Rauner signed [Senate Bill 1451 \(Public Act 100-0585\)](#), the [Small Wireless Facilities Deployment Act \(Act\)](#). This Act provides the regulations and process for permitting and deploying small cell wireless facilities throughout Illinois. **The Act goes into effect today, June 1, 2018. Municipalities have two months from the effective date of June 1, 2018, to either adopt fees through an ordinance or provide a fee schedule, pursuant to the Act.**

As a service to our member municipalities, the Illinois Municipal League (IML), along with select IML committees and other stakeholders, developed documents that will aid in the implementation of the Act. These documents include:

- [Model Small Wireless Facilities Deployment Ordinance](#)
- [Model Master Pole Attachment Agreement](#)
- [Model Small Wireless Facilities Permit Application](#)

A [Model Press Release](#) has also been drafted to assist municipal officials in publicly explaining the infrastructure that may generate questions from community members.

A compilation of frequently asked questions (FAQs) that IML has received regarding this Act is [available here for your convenience](#).

All of these documents, [along with the drafters' notes](#), can also be found on IML's website: [//iml.org/legal](http://iml.org/legal). We recommend reviewing the drafters' notes prior to adopting the model ordinance.

I encourage you to have your municipal attorney review all of this information. You are also welcome to contact Amelia Finch, IML Assistant Counsel, if you have any questions or comments. You may reach her by email at afinch@iml.org or by phone at (217) 525-1220.

Thanks.

BRAD COLE | Executive Director

ILLINOIS MUNICIPAL LEAGUE

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MODEL SMALL WIRELESS FACILITIES DEPLOYMENT ORDINANCE**AN ORDINANCE PROVIDING FOR THE REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES**

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

WHEREAS, the City of [INSERT NAME OF CITY/TOWN/VILLAGE] (the City) is an Illinois 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 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; and

WHEREAS, the Act sets forth the requirements for the collocation of small wireless facilities by local authorities.

NOW, THEREFORE, be it ordained by the corporate authorities of the City of [INSERT NAME OF CITY/VILLAGE/TOWN] as follows:

Section 1. Purpose and Scope.

Purpose. The purpose of this Ordinance is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City's jurisdiction, or outside the rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Act.

Conflicts with Other Ordinances. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

Section 2. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

Antenna – communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes – uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant – any person who submits an application and is a wireless provider.

Application – a request submitted by an applicant to the City for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or collocation – to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service – cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications service provider – a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC – the Federal Communications Commission of the United States.

Fee – a one-time charge.

Historic district or historic landmark – a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law – a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility – a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Municipal utility pole – a utility pole owned or operated by the City in public rights-of-way.

Permit – a written authorization required by the City to perform an action or initiate, continue, or complete a project.

Person – an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency – the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate – a recurring charge.

Right-of-way – the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines.

Small wireless facility – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole – a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility – equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider – any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

Wireless provider – a wireless infrastructure provider or a wireless services provider.

Wireless services – any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider – a person who provides wireless services.

Wireless support structure – a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

Section 3. Regulation of Small Wireless Facilities.

Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

Permit Required. An applicant shall obtain one or more permits from the City to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

- (1) Application Requirements. A wireless provider shall provide the following information to the City, together with the City's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
 - a. Site specific structural integrity and, for a municipal 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;
 - b. The location where each proposed small wireless facility or utility pole would be installed and 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. This should include a depiction of the completed facility;
 - c. 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;
 - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
 - f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
 - g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the City, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
- (2) Application Process. The City shall process applications as follows:
 - a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

- b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the City fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Ordinance.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Ordinance.

- d. The City shall deny an application which does not meet the requirements of this Ordinance.

If the City determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The City shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the City denies an application.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The City shall approve

or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the City's review period.

The applicant must notify the City in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a Master Pole Attachment Agreement, provided by the City for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

- (3) Completeness of Application. Within 30 days after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City must specifically identify the missing information. An application shall be deemed complete if the City fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the City's permit application form are submitted by the applicant to the City.

Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

- (4) Tolling. The time period for applications may be further tolled by:
 - a. An express written agreement by both the applicant and the City; or
 - b. A local, State or federal disaster declaration or similar emergency that causes the delay.
- (5) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the City shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the application and treat separately small wireless

facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

- (6) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable City codes or any provision, condition or requirement contained in this Ordinance.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable City code provisions or regulations in effect at the time of renewal.

- (7) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the City by personal delivery at the City's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

Collocation Requirements and Conditions.

- (1) Public Safety Space Reservation. The City may reserve space on municipal utility poles for future public safety uses, for the City's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the City reasonably determines that the municipal utility pole cannot accommodate both uses.
- (2) Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
- (3) No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall 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 will be 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 licensed 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 remedy the interference 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 City may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

- (4) The wireless provider shall not collocate small wireless facilities on City 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 City 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 subparagraph, 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.

- (5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
- (6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a City ordinance, written policy adopted by the City, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
- (7) Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the City, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

- (8) Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- a. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the City, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City, provided the City may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
 - b. 45 feet above ground level.
- (9) Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a [SPECIAL USE PERMIT, VARIANCE OR ADMINISTRATIVE WAIVER] in conformance with procedures, terms and conditions set forth in [INSERT APPROPRIATE SECTION(S) OF ZONING ORDINANCE].
- (10) Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (11) Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
- (12) Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
- (13) Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days

after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.

Application Fees. Application fees are imposed as follows:

- (1) Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- (2) Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The City shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 - a. routine maintenance;
 - b. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
 - c. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
- (5) Wireless providers shall secure a permit from the City to work within rights-of-way for activities that affect traffic patterns or require lane closures.

Exceptions to Applicability. Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:

- (1) property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
- (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

- (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

Pre-Existing Agreements. Existing agreements between the City and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the City's utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the City on the effective date of the Act may accept the rates, fees and terms that the City makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the City that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the City's utility poles pursuant to applications submitted to the City before the wireless provider provides such notice and exercises its option under this paragraph.

Annual Recurring Rate. A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the City utility pole.

If the City has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the City notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the City may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or

through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdiction of the City. Such notice shall include the name and contact information of the new wireless provider.

Section 4. Dispute Resolution.

The Circuit Court of [INSERT NAME OF COUNTY] shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the City shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

Section 5. Indemnification.

A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

Section 6. Insurance.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(i) property insurance for its property's replacement cost against all risks;

(ii) workers' compensation insurance, as required by law;

OR

(iii) commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the City. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the City.

Section 7. Severability.

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 8. Effective Date.

This Ordinance shall be in full force and effect on [insert date].

PASSED THIS _____ day of _____, 201__.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS _____ day of _____, 201__.

Mayor/Village President

ATTEST:

City/Village Clerk

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.

MODEL MASTER POLE ATTACHMENT AGREEMENT

This Master Pole Attachment Agreement (Agreement) made this ____ day of _____, 2018, between the City of _____, with its principal offices located at _____, hereinafter designated LICENSOR and _____, with its principal offices at _____, hereinafter designated LICENSEE. LICENSOR and LICENSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH

WHEREAS, LICENSOR is the owner, of certain utility poles, wireless support structures, and/or real property, which are located within the geographic area of a license to provide wireless services licensed by the Federal Communications Commission (FCC) to LICENSEE; and

WHEREAS, LICENSEE desires to install, maintain and operate small wireless facilities in and/or upon certain of LICENSOR's utility poles, wireless support structures and/or real property; and

WHEREAS, LICENSOR and LICENSEE acknowledge that any term used in this Agreement that is defined in Section 2 of the Small Wireless Facilities Deployment Ordinance (Ordinance No. _____, as now or hereafter amended) shall have the meaning provided therein; and

WHEREAS, LICENSOR and LICENSEE acknowledge that the terms of this Agreement are nondiscriminatory, competitively neutral and commercially reasonable.

WHEREAS, LICENSOR and LICENSEE desire to enter into this Agreement to define the general terms and conditions which would govern their relationship with respect to particular sites at which LICENSOR may wish to permit LICENSEE to install, maintain and operate small wireless facilities as hereinafter set forth; and

WHEREAS, the LICENSOR and LICENSEE intend to promote the expansion of communications services in a manner consistent with the Small Wireless Facilities Deployment Act, the Illinois Cable and Video Competition Act, the Illinois Telephone Company Act, the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, the Simplified Municipal Telecommunications Tax Act, 35 ILCS 636/5-1, *et. seq.* and Federal Communication Commission Regulations; and

WHEREAS, LICENSOR and LICENSEE acknowledge that they will enter into a License Supplement (Supplement), a copy of which is attached hereto as Exhibit A, with respect to any particular location or site which the Parties agree to license; and

WHEREAS, the Parties acknowledge that different related entities may operate or conduct the business of LICENSEE in different geographic areas and as a result, each Supplement may be signed by LICENSEE affiliated entities as further described herein, as appropriate based upon the entity holding the FCC license in the subject geographic location.

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

- 1) PREMISES. Pursuant to all of the terms and conditions of this Agreement and the applicable Supplement, LICENSOR agrees to license to LICENSEE that certain space on or upon LICENSOR's utility poles, and/or wireless support structures as more fully described in each Supplement to be executed by the Parties hereinafter referred to as the "Premises", for the installation, operation, maintenance, repair and modification of small wireless facilities; together with the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty four (24) hours a day, over the Property (as defined below) and to and from the Premises for the purpose of installation, operation, maintenance, repair and modification of LICENSEE's small wireless facilities. The LICENSOR's utility poles, wireless support structures and other poles and towers are hereinafter referred to as "Pole" and the entirety of the LICENSOR's property is hereinafter referred to as "Property". In the event there are not sufficient electric and telephone, cable or fiber utility sources located at the Premises or on the Property, LICENSOR agrees to grant LICENSEE the right to install such utilities on, over and/or under the Property and to the Premises as necessary for LICENSEE to operate its communications facility, but only from duly authorized provider of such utilities, provided the location of such utilities shall be designated by LICENSOR.
- 2) PERMIT APPLICATION. For each small wireless facility, LICENSEE shall submit an application to LICENSOR for permit that includes:
 - a) Site specific structural integrity and, for LICENSOR'S utility pole or wireless support structure, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
 - b) The location where each proposed small wireless facility or utility pole would be installed and 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. This should include a depiction of the completed facility;
 - c) 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;
 - d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
 - f) Certification that the collocation complies with LICENSOR's Small Wireless Facilities Ordinance requirements, to the best of the applicant's knowledge.
 - g) The application fee due.
- 3) APPLICATION FEES. Application fees are subject to the following requirements:
 - a) LICENSEE shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

- b) LICENSEE shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- c) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section must be accompanied by the required application fee.
- d) LICENSOR shall not require an application, approval, or permit, or require any fees or other charges, from LICENSEE, for:
 - i) routine maintenance; or
 - ii) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if LICENSEE notifies LICENSOR at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of this Agreement; or
 - iii) the installation, placement, maintenance, operation, or replacement of small wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes, provided this provision does not authorize such facilities to be suspended from municipal electric lines, if any.

LICENSEE shall secure a permit from LICENSOR to work within rights-of-way for activities that affect traffic patterns or require lane closures.

4) REQUIREMENTS.

- a) LICENSEE's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications. LICENSEE shall 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 will be 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 licensed by a public safety agency. If a small wireless facility causes such interference, and LICENSEE has been given written notice of the interference by the public safety agency, LICENSEE, 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 LICENSOR may terminate a permit for a small wireless facility based on such interference if LICENSEE 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.
- b) LICENSEE shall not install devices on the existing utility pole or wireless support structure that extend beyond 10 feet of the poles existing height.
- c) LICENSEE shall install pole mounted equipment at a minimum of 8 feet from the ground.
- d) LICENSEE shall be limited to one (1) cabinet or other ground mounted device for ground mounted installations.

- e) LICENSEE shall paint antennas, mounting hardware, and other devices to match or complement the structure upon which they are being mounted.
- f) LICENSEE shall install landscaping at the base of poles with respect to any ground equipment installed by LICENSEE on which devices are being installed as required by [INSERT SPECIFIC CODE PROVISION, as now or hereafter amended] of the LICENSOR.
- g) LICENSEE shall comply with all the terms and conditions of LICENSOR's [INSERT APPROPRIATE RIGHT-OF-WAY ORDINANCE, as now or hereafter amended] in regards to construction of utility facilities.
- h) LICENSEE shall comply with requirements that are imposed by a contract between the LICENSOR and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- i) LICENSEE shall comply with applicable spacing requirements in [INSERT APPLICABLE CODES/ORDINANCES, as now or hereafter amended] concerning the location of ground-mounted equipment located in the right-of-way. *(NOTE: the requirements must include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.)*
- j) LICENSEE shall comply with [INSERT CODE PROVISION, as now or hereafter amended] concerning undergrounding requirements or determinations from the municipal officer or employee in charge of municipal utilities, in any. *(NOTE the requirements must include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.)*
- k) LICENSEE shall comply with [INSERT CODE PROVISION, as now or hereafter amended] for construction and public safety in the rights-of-way, including, but not limited to, wiring and cabling requirements, grounding requirements, utility pole extension requirements, and signage limitations; and shall comply with reasonable and nondiscriminatory requirements that are consistent with PA 100-0585 and adopted by LICENSOR regulating the location, size, surface area and height of small wireless facilities, or the abandonment and removal of small wireless facilities.
- l) LICENSEE shall not collocate small wireless facilities within the communication worker safety zone of the pole or the electric supply zone of the pole on LICENSOR utility poles that are part of an electric distribution or transmission system. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the LICENSOR utility pole and on the top of the pole, if not otherwise unavailable, if LICENSEE complies with [INSERT APPLICABLE CODE, as now or hereafter amended] for work involving the top of the pole. For purposes of this subparagraph, 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.
- m) LICENSEE shall comply with the [INSERT APPLICABLE CODE, as now or hereafter amended] that concern public safety.
- n) LICENSEE shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this

Agreement. LICENSEE shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

- o) LICENSEE shall comply with [INSERT SPECIFIC DESIGN STANDARDS] for decorative utility poles, or stealth, concealment, and aesthetic requirements that are identified by LICENSOR in [INSERT SPECIFIC PROVISIONS, as now or hereafter amended] adopted by LICENSOR, LICENSOR's comprehensive plan dated _____, or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
- p) LICENSOR requires the following design or concealment measures in a historic district or historic landmark:

[INSERT DESIGN AND CONCEALMENT STANDARDS]

Any such design or concealment measures, including restrictions on a specific category of poles, may not have the effect of prohibiting any LICENSEE'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. This paragraph may not be construed to limit LICENSOR'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.

5) APPLICATION PROCESS. LICENSOR shall process applications as follows:

- a) An application to collocate a small wireless facility on an existing utility pole, replacement of an existing utility pole or wireless support structure owned or controlled by LICENSOR shall be processed by LICENSOR and deemed approved if LICENSOR fails to approve or deny the application within 90 days. However, if LICENSEE intends to proceed with the permitted activity on a deemed approved basis, LICENSEE must notify LICENSOR in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application. The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by LICENSOR. The receipt of the deemed approved notice shall not preclude LICENSOR's denial of the permit request within the time limits as provided under Ordinance _____.
- b) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed and deemed approved if LICENSOR fails to approve or deny the application within 120 days. However, if LICENSEE applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify LICENSOR in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application. The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by LICENSOR. The receipt of the deemed approved notice shall not preclude LICENSOR's denial of the permit request within the time limits as provided under Ordinance _____, as now or hereafter amended.

- c) LICENSOR shall approve an application unless the application does not meet the requirements of Ordinance _____, as now or hereafter amended.
- d) If LICENSOR determines that applicable codes, local code provisions or regulations that concern public safety, or the Requirements of Ordinance _____ require that the utility pole or wireless support structure be replaced before the requested collocation, approval may be conditioned on the replacement of the utility pole or wireless support structure at the cost of LICENSEE. LICENSOR must document the basis for a denial, including the specific code provisions or application conditions on which the denial was based, and send the documentation to LICENSEE on or before the day LICENSOR denies an application. LICENSEE may cure the deficiencies identified by LICENSOR and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. LICENSOR shall approve or deny the revised application within 30 days after LICENSEE resubmits the application or it is deemed approved. However, LICENSEE must notify LICENSOR in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the resubmitted application. Any subsequent review shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.
- e) COMPLETENESS OF APPLICATION. Within 30 days after receiving an application, the LICENSOR shall determine whether the application is complete and notify the applicant. If an application is incomplete, the LICENSOR shall specifically identify the missing information. An application shall be deemed complete if the LICENSOR fails to provide notification to the applicant with 30 days after all documents, information and fees specifically enumerated in the LICENSOR's permit application form are submitted by the application to the LICENSOR. Processing deadlines are tolled from the time the LICENSOR sends the notice of incompleteness to the time the applicant provides the missing information.
- f) TOLLING. The time period for applications may be further tolled by the express agreement in writing by both LICENSOR and LICENSEE; or a local, State or federal disaster declaration or similar emergency that causes the delay.
- g) CONSOLIDATED APPLICATIONS. A LICENSEE seeking to collocate small wireless facilities within the jurisdiction of LICENSOR shall be allowed, at LICENSEE's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, LICENSOR may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. LICENSOR may issue separate permits for each collocation that is approved in a consolidated application.
- 6) COLLOCATION COMPLETION DEADLINE. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless LICENSOR and

LICENSEE agree to extend this period or a delay is caused by make-ready work for a LICENSOR utility pole or by the lack of commercial power or backhaul availability at the site, provided LICENSEE has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless LICENSOR grants an extension in writing to the LICENSEE.

- 7) DURATION OF PERMITS AND SUPPLEMENTS. The duration of a permit and the initial Supplement shall be for a period of (not less than 5 years), and the permit and Supplement shall be renewed for equivalent durations unless LICENSOR makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable codes or local code provisions or regulations in Ordinance No. _____, as now or hereafter amended. If P.A. 100-0585 is repealed as provided in Section 90 of the Act, renewals of permits shall be subject to the LICENSOR's code provisions or regulations in effect at the time of renewal.
- 8) EXTENSIONS. Each Supplement may be extended for additional five (5) year terms unless LICENSEE terminates it at the end of the then current term by giving LICENSOR written notice of the intent to terminate at least three (3) months prior to the end of the then current term. The initial term and all extensions under a Supplement shall be collectively referred to herein as the "Term". Notwithstanding anything herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration or termination.
- 9) RENTAL. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of each Supplement shall be for five (5) years and shall commence on the first day of the month following the day that LICENSEE commences installation of the equipment on the Premises (the "Commencement Date") at which time rental payments shall commence and be due at a total annual rental as set forth in the Supplement, to be paid in advance annually on the Commencement Date and on each anniversary of it in advance, to the LICENSOR in the Supplement (unless LESSOR otherwise designates another payee and provides notice to LICENSEE). LICENSOR and LICENSEE acknowledge and agree that the initial rental payment for each Supplement shall not actually be sent by LICENSEE until thirty (30) days after the Commencement Date. LICENSOR and LICENSEE agree that they shall acknowledge in writing the Commencement Date of each Supplement. Rental for the use of any poles pursuant to this Agreement, shall be an annual fee of \$200.00 per each wireless facility which LICENSEE attaches to LICENSOR's pole. Thereafter, rent will be due at each annual anniversary of the "Commencement Date" of the applicable Supplement. Upon agreement of the Parties, LICENSEE may pay rent by electronic funds transfer and in such event, LICENSOR agrees to provide to LICENSEE bank routing information for such purpose upon request of LICENSEE.
- 10) ABANDONMENT. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned and the LICENSEE must remove the small wireless facility within 90 days after receipt of written notice from LICENSOR notifying LICENSEE of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by LICENSOR to the LICENSEE at the last known address of LICENSEE. If the small wireless

facility is not removed within 90 days of such notice, LICENSOR may remove or cause the removal of such facility and charge said costs to the LICENSEE.

LICENSEE shall provide written notice to LICENSOR of any sale or transfer of small wireless facilities not less than 30 days prior to such transfer and said notice shall include the name and contact information of the new wireless provider.

- 11) CONDITION OF PREMISES. Where the Premises includes one or more Poles, LICENSOR covenants that it will keep the Poles in good repair as required by all federal, state, county and local laws. If the LICENSOR fails to make such repairs including maintenance within 60 days, of any notification to LICENSOR, the LICENSEE shall have the right to cease annual rental for the effected poles, but only if the poles are no longer capable of being used for the purpose originally contemplated in this Agreement or otherwise do not comply with existing law. If LICENSEE terminates, LICENSEE shall remove its small wireless facility. Termination of this Agreement shall be the LICENSEE's sole remedy.
- 12) MAKE READY TERMS. LICENSOR shall not require more make-ready work than required to meet applicable codes or industry standards. Make-ready work may include work needed to accommodate additional public safety communications needs that are identified in a documented and approved plan for the deployment of public safety equipment as specified and included in an existing or preliminary LICENSOR or public service agency plan. Fees for make-ready work, including any LICENSOR utility pole attachment, shall not exceed actual costs or the amount charged to communications service providers for similar work and shall not include any consultants' fees or expenses for LICENSOR utility poles that do not support aerial facilities used to provide communications services or electric service. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the LICENSOR at the LICENSEE's sole cost and expense.
- 13) AERIAL FACILITIES. For LICENSOR utility poles that support aerial facilities used to provide communications services or electric services, LICENSEE shall comply with the process for make-ready work under 47 U.S.C. 224 and its implementing regulations. LICENSOR shall follow a substantially similar process for such make-ready work except to the extent that the timing requirements are otherwise addressed in Ordinance No. _____, as now or hereafter amended. The good-faith estimate of the person owning or controlling LICENSOR's utility pole for any make-ready work necessary to enable the pole to support the requested collocation shall include LICENSOR utility pole replacement, if necessary. Make-ready work for utility poles that support aerial facilities used to provide communications services or electric services may include reasonable consultants' fees and expenses.
- 14) NO AERIAL FACILITIES. For LICENSOR utility poles that do not support aerial facilities used to provide communications services or electric services, LICENSOR shall provide a good-faith estimate for any make-ready work necessary to enable the LICENSOR utility pole to support the requested collocation, include pole replacement, if necessary, within 90 days after receipt of a complete application. Make-ready work, including any LICENSOR utility pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by LICENSEE at LICENSEE's sole cost and expense. Alternatively, if LICENSOR determines that applicable codes or public safety regulations require the LICENSOR's utility

pole to be replaced to support the requested collocation, LICENSOR may require LICENSEE to replace LICENSOR's utility pole at LICENSEE's sole cost and expense.

- 15) GENERAL RESTRICTIONS. In the event LICENSOR, in its reasonable discretion deems it necessary to remove, relocate or replace a Pole, LICENSOR shall notify LICENSEE at least one hundred eighty (180) days prior of the need to remove or relocate its small wireless facility. In such event, LICENSOR shall provide options for alternative locations for LICENSEE relocation of equipment which shall be in a mutually agreeable location ("Alternative Premises"). LICENSEE shall be solely responsible for all costs related to the relocation of its small wireless facility to the Alternative Premises. In the event that a suitable Alternative Premises cannot be identified, LICENSEE may terminate the applicable Supplement. In the event of an emergency, which for purposes of this Agreement shall be considered any imminent threat to health, safety and welfare of the public, LICENSOR must provide as much notice as reasonably practical under the circumstances. LICENSEE may terminate this Agreement by giving written notice to the other party specifying the date of termination, such notice to be given not less than one hundred eighty (180) days prior to the date specified therein.
- 16) ELECTRICAL. LICENSEE shall be permitted to connect its equipment to necessary electrical and telephone service, at LICENSEE's expense. LICENSEE shall attempt to coordinate with utility companies to provide separate service to LICENSEE's equipment for LICENSEE use. In the event that LICENSEE can obtain separate electrical service with a separate meter measuring usage, the LICENSEE shall pay the utility directly for its power consumption, if billed directly by the utility. In the event that separate electrical service is not possible or practical under the circumstances, LICENSEE may use existing service, at LICENSEE's expense, upon the reasonable approval of LICENSOR. In the event that LICENSEE uses existing utility service at an individual Premises, the Parties agree to either: (i) attempt to have a sub-meter installed, at LICENSEE's expense, which shall monitor LICENSEE's utility usage (with a reading and subsequent bill for usage delivered to LICENSEE by either the applicable utility company or LICENSOR); or (ii) provide for an additional fee in the applicable Supplement which shall cover LICENSEE's utility usage. The Parties agree to reflect power usage and measurement issues in each applicable Supplement.
- 17) TEMPORARY POWER. LICENSEE shall be permitted at any time during the Term of each Supplement, to install, maintain and/or provide access to and use of, as necessary (during any power interruption at the Premises), a temporary power source, and all related equipment and appurtenances within the Premises, or elsewhere on the Property in such locations as reasonably approved by LICENSOR. LICENSEE shall be permitted to connect the temporary power source to its equipment on the Premises in areas and manner approved by LICENSOR.
- 18) USE; GOVERNMENTAL APPROVALS. LICENSEE shall use the Premises for the purpose of constructing, maintaining, repairing and operating small wireless facilities and uses incidental thereto. LICENSEE shall have the right to replace, repair and modify equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, in conformance with the original Supplement. It is understood and agreed that LICENSEE's ability to use the Premises is contingent upon its obtaining after the execution date of each Supplement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or

Local authorities as well as a satisfactory building structural analysis which will permit LICENSEE use of the Premises as set forth above. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to LICENSEE is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) LICENSEE determines that such Governmental Approvals may not be obtained in a timely manner, LICENSEE shall have the right to terminate the applicable Supplement. Notice of LICENSEE's exercise of its right to terminate shall be given to LICENSOR in accordance with the notice provisions set forth in Paragraph 23 and shall be effective upon the mailing of such notice by LICENSEE, or upon such later date as designated by LICENSEE. All rentals paid to said termination date shall be retained by LICENSOR. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder. Otherwise, the LICENSEE shall have no further obligations for the payment of rent to LICENSOR for the terminated Supplement. Notwithstanding anything to the contrary in this Paragraph, LICENSEE shall continue to be liable for all rental payments to the LICENSOR until all equipment is removed from the Property.

- 19) INSURANCE. LICENSEE shall carry, at LICENSEE's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) commercial general liability insurance with respect to its activities on LICENSOR improvements or rights-of-way to afford [Insert minimum protection limits consistent with requirements of other users of LICENSOR improvements or rights-of-way, including coverage for bodily injury and property damage. Example: LICENSEE agrees that at its own cost and expense, LICENSEE will maintain general liability insurance with limits not less than \$_____ for injury to or death of one or more persons in any one occurrence and \$_____ for damage or destruction to property in any one occurrence.) LICENSEE shall include LICENSOR as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of LICENSOR in a commercial general liability policy.]

LICENSEE may self-insure all or a portion of the insurance coverage and limit requirements required by LICENSOR. If LICENSEE self-insures it is not required, to the extent of the self-insurance, to comply with the requirement for the naming of additional insureds under this Section. If LICENSEE elects to self-insure it shall provide to LICENSOR evidence sufficient to demonstrate LICENSEE'S financial ability to self-insure the insurance coverage and limits required by LICENSOR.

- 20) INDEMNIFICATION. LICENSEE shall indemnify and hold LICENSOR harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of LICENSOR's improvements or right-of-way associated with such improvements by LICENSEE or its employees, agents, or contractors arising out of the rights and privileges granted under this Agreement and PA 100-0585. LICENSEE has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of LICENSOR or its employees or agents. LICENSEE hereby further waives any claims that LICENSEE may have against the LICENSOR with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

21) REMOVAL AT END OF TERM. LICENSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of a Supplement, remove its equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage not caused by LICENSEE excepted. LICENSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LICENSEE shall remain the personal property of LICENSEE and LICENSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws. If such time for removal causes LICENSEE to remain on the Premises after termination of the Supplement, LICENSEE shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the antenna structure, fixtures and all personal property are completed.

22) RIGHTS UPON SALE. Should LICENSOR, at any time during the Term of any Supplement decide to sell or transfer all or any part of the Property such sale or grant of an easement or interest therein shall be under and subject to the Supplement and any such purchaser or transferee shall recognize LICENSEE's rights hereunder and under the terms of the Supplement.

23) NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LICENSOR:

Title

City

Address

City, State Zip

Copy to:

Retained Attorney/Corporation Counsel

Address

City, State Zip

LICENSEE:

Name

Company

Address

City, State Zip

Copy to:

Name

Company

Address

City, State Zip

Either Party may change the addressee and/or location for the giving of notice to it by providing a thirty (30) days' prior written notice to the other Party.

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

- 24) CASUALTY. In the event of damage by fire or other casualty to the Pole or Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Pole or Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LICENSEE's operations at the Premises for more than forty-five (45) days, then LICENSEE may, at any time following such fire or other casualty, provided LICENSOR has not completed the restoration required to permit LICENSEE to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to LICENSOR. Any such notice of termination shall cause the Supplement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of the Supplement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under the Supplement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LICENSEE's use of the Premises is impaired.
- 25) DEFAULT. In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have 30 days in which to cure any breach, provided the breaching Party shall have such extended period, not to exceed 90 days, as may be required beyond the 30 days if the breaching Party commences the cure within the 30-day period and thereafter continuously and diligently pursues to cure to completion. The non-breaching Party may maintain any action or affect any remedies for default against the breaching Party subsequent to the 30-day cure period, as potentially extended to 90 days based on circumstances.
- 26) REMEDIES. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting, other than by the specific terms of this Agreement, the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the applicable Supplement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state of Illinois. Further, upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor.
- 27) APPLICABLE LAWS. During the Term, LICENSOR shall maintain the Property and the Pole in compliance with all applicable laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, (collectively "Laws"). LICENSEE shall, in respect to the condition of the Premises and at LICENSEE's sole cost and expense, comply with (a) all Laws relating solely to LICENSEE's specific and unique nature of use of the Premises; and (b) all building codes requiring modifications to the Premises due to the improvements being made by LICENSEE in the Premises. It shall be LICENSOR's obligation to comply with all Laws

relating to the Pole in general, without regard to specific use (including, without limitation, modifications required to enable LICENSEE to obtain all necessary building permits).

- 28) BOND. LICENSEE shall deposit with LICENSOR on one occasion prior to the commencement of the first Supplement a bond in a form reasonably acceptable to LICENSOR in the amount of \$10,000 per small wireless facility to guarantee the safe and efficient removal of any equipment from any Premises subject to this Agreement, which equipment remains more than 30 days after rental payment has ceased and Licensee has failed to remove the equipment. The funds may also be used to restore the premises to original condition, if LICENSEE fails to do so.
- 29) MISCELLANEOUS. This Agreement and the Supplements that may be executed from time to time hereunder contain all agreements, promises and understandings between the LICENSOR and the LICENSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LICENSOR or the LICENSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all Parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. The performance of this Agreement via each Supplement shall be governed interpreted, construed and regulated by the laws of the state of Illinois.
- 30) EXECUTION IN COUNTERPARTS. This Agreement and any Supplements may be executed in multiple counterparts, including by counterpart facsimiles or scanned email counterpart signature, each of which shall be deemed an original, and all such counterparts once assembled together shall constitute one integrated instrument.
- 31) AUTHORIZATION. LICENSEE certifies and warrants that it has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LICENSOR:

_____, an Illinois Municipal Corporation

BY:

Name: _____

Title: _____

Date: _____

LICENSEE:

BY:

Name: _____

Title: _____

Date: _____

EXHIBIT "A"**LICENSE SUPPLEMENT**

This License Supplement (Supplement), is made this ____ day of _____, _____, between **the City/Village of** _____, whose principal place of business is _____ (LICENSOR), and _____, whose principal place of business is _____ (LICENSEE).

1. **Master License Agreement.** This Supplement is a Supplement as referenced in that certain Master License Agreement between the City/Village _____ and _____, dated _____, 20____, (the Agreement). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement (note – Supplement should govern because there may be some site specific items that might have to be addressed at an individual location which might create a conflict with Agreement terms) shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.
2. **Premises.** The Property owned by Licensor is located at _____. The Premises licensed by the LICENSOR to the LICENSEE hereunder is described on Exhibit "1" attached hereto and made a part hereof.
3. **Term.** The Commencement Date and the Term of this Supplement shall be as set forth in Paragraph 7 of the Agreement.
4. **Consideration.** Rent under this Supplement shall be \$200.00 per year, payable to LICENSOR at _____. Thereafter, rent will be due at each annual anniversary of the "Commencement Date" of this Supplement. LESSEE shall obtain electrical service and provide for a separate meter and billing from the applicable utility provider.
5. **Site Specific Terms.** (Include any site-specific terms)

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal the day and year first above written.

LICENSOR

City/Village of _____, an Illinois Municipal Corporation

BY:

Name: _____

Title: _____

Date: _____

LICENSEE

BY:

Name: _____

Title: _____

Date: _____

EXHIBIT 1

Premises

(see attached site plans)

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.

MODEL SMALL WIRELESS FACILITIES PERMIT APPLICATION

APPLICANT INFORMATION

Applicant Name:		Date:
Applicant is a:	Carrier/Wireless Provider	Representative Other:
Company Name:		
Address:		
City:	State:	ZIP Code:
Phone:	Email:	

PROPOSED SITE LOCATION

Property Address:		
City:	State:	ZIP Code:
Closest Intersection (Distance and Direction from):		

EXISTING POLE/STRUCTURE INFORMATION

New Pole/Structure Construction? Yes No		
Pole/Structure ID Number:	Height of Pole/Structure (feet):	Pole Color:
Existing Attachment(s) on Pole/Structure? (e.g., banners, light fixtures) Yes No		
Existing Structure Owner:		
Name of Structure Owner Representative:		
Address:		
City:	State:	ZIP Code:
Phone:	E-mail:	Fax:

PROPERTY OWNER INFORMATION

In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the City, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation. Permission has been granted by property owner? Yes No		
Name:		
Address:		
City:	State:	ZIP Code:
Phone:	Email:	

APPLICATION REQUIREMENTS

The following documents must be attached or included for the Application to be complete:

Application fee(s)

Site specific structural integrity, AND for a municipal utility pole Make-ready analysis prepared by a structural engineer

The location where each proposed small wireless facility or utility pole would be installed

Photographs of the proposed site location and its immediate surroundings

Specifications and drawings prepared by a structural engineer for each proposed small wireless facility

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

A proposed schedule for the installation and completion of each small wireless facility, if approved

Proof of permission granted by property owner, if existing pole not owned by the City

ATTESTATION, ACKNOWLEDGMENT & SIGNATURE

I attest to the best of my knowledge and belief, that the information stated in this application and in all supporting plans and documents is true and accurate. To the best of my knowledge, I certify that the proposed collocation complies with the terms of the "Collocation Requirements and Conditions" Section of [CITY/VILLAGE]'s Small Wireless Facility Deployment Ordinance.

Signature of Applicant:

Date:

Printed Name of Applicant:

Title:

****FOR ADMINISTRATIVE USE ONLY****

Date Application was submitted:

Application is: Complete Incomplete

If incomplete, date the Applicant was notified:

Missing documents or information:

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.

Use your community's press release template/letterhead

FOR IMMEDIATE RELEASE

DATE

Contact: Name & Title

Phone Number

Email Address

Installation of Small Wireless Facilities

[INSERT COMMUNITY HERE]— A new law in Illinois, signed by Governor Bruce Rauner on April 12, 2018, allows that additional telecommunication hardware may be added to utility poles, light poles and other structures in the public right-of-way as wireless carriers implement 5G technology and enhance cellular transmission.

On [DATE COMMUNITY PASSED ORDINANCE], the [VILLAGE/TOWN BOARD/CITY COUNCIL] passed an ordinance to implement the regulations allowed by the Small Wireless Facilities Deployment Act (Public Act 100-0585). New devices, commonly known as “small cells,” and antennas could start to be installed on authorized structures throughout our community.

The ordinance requires wireless telecommunications providers to submit permit applications and pay applicable fees up to the limits in state law for the use of the public right-of-way. It also gives the municipality the authority to propose alternate placements within 100 feet of the requested site to help ensure the integrity of the right-of-way.

The ordinance protects our ability to provide public safety services to residents as needed, while ensuring access to new 5G technology. The [CITY/TOWN/VILLAGE OF [INSERT COMMUNITY]] looks forward to improved opportunities through additional technological advancements.

If you have any questions about the installation of these small cell devices, please contact [INSERT WHO IS RESPONSIBLE INTERNALLY].

###



Small Wireless Facilities Frequently Asked Questions (FAQs)

June 1, 2018

Public Act 100-0585, the Small Wireless Facilities Deployment Act (the Act), previously known as Senate Bill 1451, specifies how local authorities may regulate the attachment of small wireless facilities. Following is a compilation of frequently asked questions that the Illinois Municipal League (IML) anticipates regarding this Act.

What is a small wireless facility?

A small wireless facility, commonly known as a “small cell,” enables the transmission of data and wireless communications to and from a wireless device, such as a computer, cell phone or tablet. The Act states that these small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses and schools in Illinois.

What does the Act do?

The Act provides the regulations and process for permitting and deploying small wireless facilities throughout Illinois. It specifies how local authorities may regulate the attachment of small wireless facilities on municipal utility poles or other structures.

What happens if our municipality does not adopt an ordinance or schedule of fees prior to two months after the effective date of the Act?

In the absence of an ordinance or agreement that makes available to wireless providers the rates, fees and terms for the attachment of small wireless facilities on municipal utility poles, wireless providers may attach small wireless facilities and install utility poles on their own accord, provided they comply with the requirements of the Act.

What do we do if we begin to receive applications to attach small wireless facilities on our municipal poles before we have adopted an ordinance or a fee schedule, pursuant to the Act?

Section 15(i)(4) of the Act provides that municipalities have two months following the effective date of the Act to adopt ordinances or provide agreements consistent with the terms of the Act, and thereafter, the terms of the Act will control in the absence of an ordinance or agreement. Permit applications received prior to August 1, 2018, would be acknowledged as received on the earlier of the effective date of the ordinance adopted by the municipality or August 1, 2018.

Our municipality has already adopted the IML Small Cell Antenna/Tower Right-of-Way Siting Ordinance and/or an ordinance establishing standards for the construction of facilities on rights-of-way. What do we do about those ordinances?

The municipality should consider leaving the prior IML Small Cell Antenna/Tower Right-of-Way Siting Ordinance in effect to support any existing installations, and adopting the new Model Small Wireless Facilities Deployment Ordinance for permit applications received after adoption of the new Model Small Wireless Facilities Deployment Ordinance. As to the ordinance establishing standards for the construction of facilities on rights-of-way, municipal officials should thoroughly review the ordinance with retained legal counsel or other qualified attorney and amend as necessary to ensure compliance with the Act.



Small Wireless Facilities Frequently Asked Questions (FAQs)

June 1, 2018

Does the Act apply to requests for permits to locate on municipal property outside of the right-of-way?

The Act only requires that requests to locate on municipal property outside of the right-of-way be granted in a competitively neutral and non-discriminatory manner. If your municipality does not presently allow telecommunications carriers access to municipal property outside of the right-of-way, it need not do so.

If the community requires other right-of-way users to obtain separate permits for electric and cabling requirements for their use, are wireless providers subject to those separate permitting requirements?

Yes.

Where are the small wireless facilities permitted uses, pursuant to Section 15(c) of the Act?

Small wireless facilities are permitted uses in the right-of-way, and on property zoned exclusively for commercial or industrial use. On other property, zoning provisions apply, as do the Federal Communications Commission shot clock timelines for permitting of telecommunications facilities.

If another authority is running through the municipality, such as a county or state road/street, who has the jurisdiction to control or regulate the small wireless facilities in the right-of-way?

The unit of government that controls the right-of-way has the jurisdiction to regulate the small wireless facilities in that right-of-way.

Who can I contact if I have questions?

If you have any further questions, please feel welcome to contact:

Amelia Finch | Assistant Counsel
Illinois Municipal League
217.525.1220 phone | 217.525.7438 fax
afinch@iml.org

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.



Small Wireless Facilities Deployment Ordinance Drafters' Notes

June 1, 2018

The following notes are intended to assist in understanding the Illinois Municipal League (IML) Model Small Wireless Facilities Deployment Ordinance. A thorough review of Public Act 100-0585, the Small Wireless Facilities Deployment Act (the Act), and local code provisions within each municipality is recommended.

- The language within the model ordinance came primarily from the Act.
- Authors of the model ordinance: IML staff, along with input from a drafters' group that included IML Home Rule Attorneys Committee, IML Legislative Committee, IML Managers Committee, IML Public Works Committee, Regional Councils of Government, Illinois Municipal Electric Agency and telecommunications industry representatives.
- Telecommunication industry representatives insisted on the definition of collocation in the Act that is somewhat at odds with the term as applied to large cell towers, such as the collocation of two carriers' equipment on one tower. A single small cell facility installed on a light pole meets the definition of collocation in the Act.
- Collocation on municipal property outside of the right-of-way is much like any private property owner, with the exception that if a municipality allows telecommunications equipment on its structures or property outside of the right-of-way, they must do so in a non-discriminatory manner.
- Section 15(d)(3) of the Act prohibits municipalities from requiring two different providers to locate on a single pole. There may be technology advances that allow such installations, but optimal performance is presently obtained with single facilities on a pole. This should require fewer total small cell installations over a geographic area for the carrier.
- Exclusive agreements between the City and a wireless service provider are prohibited.
- A municipality may agree with a carrier to charge less than \$200 for annual recurring rate or to permit fees that are lower than the stated limit, but any fees must be charged in a non-discriminatory manner to all carriers.
- Removal of aerial facilities is addressed in the model pole attachment agreement.
- Spacing requirements can be found in the IML Model Ordinance for the Construction in the Right-of-Way and similar municipal ordinances that used the model as a template. You may want to review and update your right-of-way ordinance at this time.
- The municipality should check for installation of the collocation on a periodic basis to determine if it has been completed and check with the wireless services provider to confirm its operation.
- Municipalities might want to review limits and coverages on insurance as many right-of-way ordinances were adopted a decade ago.

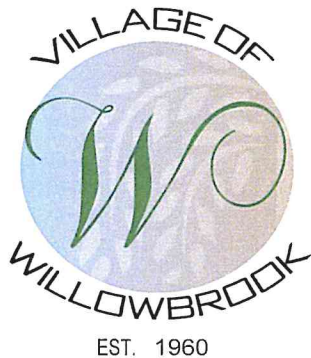


Small Wireless Facilities Deployment Ordinance Drafters' Notes

June 1, 2018

- Many drafters recommended that municipalities address stealth and design standards, and waivers and variances for small wireless facilities outside of their zoning ordinance, in order to avoid repetitive administrative hearings. The right-of-way ordinance or a stand-alone small wireless deployment ordinance are a couple of options to consider.
- The municipality should customize the model ordinance in the following sections:
 - Name of the municipality in the second “whereas” clause, as well as the name of the municipality in the “now, therefore” paragraph
 - Paragraph (7) under Permit Required: Means of Submitting Applications
 - Paragraph (6) under Collocation Requirements and Conditions
 - Written design standards applicable for decorative utility poles or reasonable stealth, concealment and aesthetic requirements
 - Design or concealment measures for historic districts or historic landmarks
 - Paragraph (9) under Collocation Requirements and Conditions: Height Exceptions or Variances
 - Insert special use permit, variance or administrative waiver
 - Insert appropriate section(s) of municipal zoning ordinance that sets forth procedures, terms and conditions for special use permit, variance or administrative waiver
 - Paragraph (1) under Application Fees
 - Application fee for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure can be up to \$650
 - Application fee for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures can be up to \$350
 - Section 4. Dispute Resolution – insert County in which circuit court has jurisdiction
 - If a municipality wants wireless service providers to respect a public safety space reservation, a municipality should adopt a plan outlining the process for reserving such space.

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MONTHLY REPORT
MUNICIPAL SERVICES DEPARTMENT
May, 2018

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

Permits Issued:

Driveway	5
Deck/Porch	2
Electric SVC Upgrade	1
Emergency Repairs	3
Fence	3
Generator	1
Interior Buildout/Demo	2
Interior Remodel	5
Pool	1
Parking Lot	2
Re-occupancy	1
Roof	8
Sewer/Sanitary	1
Security System	1
SFR New	1
Shed	1
Sign	1
Utility Pole	2
Window/Door	5
TOTAL	46

Plan Review Deposit Fee 2

Permit Revenue for May, 2018 \$53,371.02

Total Revenue Collected for Fiscal YTD \$53,371.02

Total Budgeted Revenue for Fiscal Year 2018/19 \$255,000.00

Total Percentage of Budgeted Revenue
Collected to Date 20.93 %

Certificate of Occupancy, Final 4
Certificate of Occupancy, Temporary 2

Respectfully submitted,

Timothy Halik
Village Administrator

TH/ljm



MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE

Fiscal Year 2018-2019

MONTH	CURRENT FISCAL YEAR 2018-2019	PRIOR FISCAL YEAR 2017-2018
MAY	\$ 53,371.02	\$ 74,721.15
JUNE		\$ 18,289.54
JULY		\$ 35,679.59
AUGUST		\$ 65,281.45
SEPTEMBER		\$ 47,252.63
OCTOBER		\$ 60,248.25
NOVEMBER		\$ 43,329.42
DECEMBER		\$ 12,100.70
JANUARY		\$ 62,793.69
FEBRUARY		\$ 27,672.56
MARCH		\$ 29,264.69
APRIL		\$ 150,359.86
COLLECTED REVENUE	\$ 53,371.02	\$ 626,993.53
BUDGETED REVENUE	\$ 255,000.00	\$ 245,500.00
REVENUES COLLECTED- (OVER)/UNDER BUDGET	\$ 201,628.98	\$ (381,493.53)
PERCENTAGE OF BUDGETED REVENUE COLLECTED	20.93%	255.39%

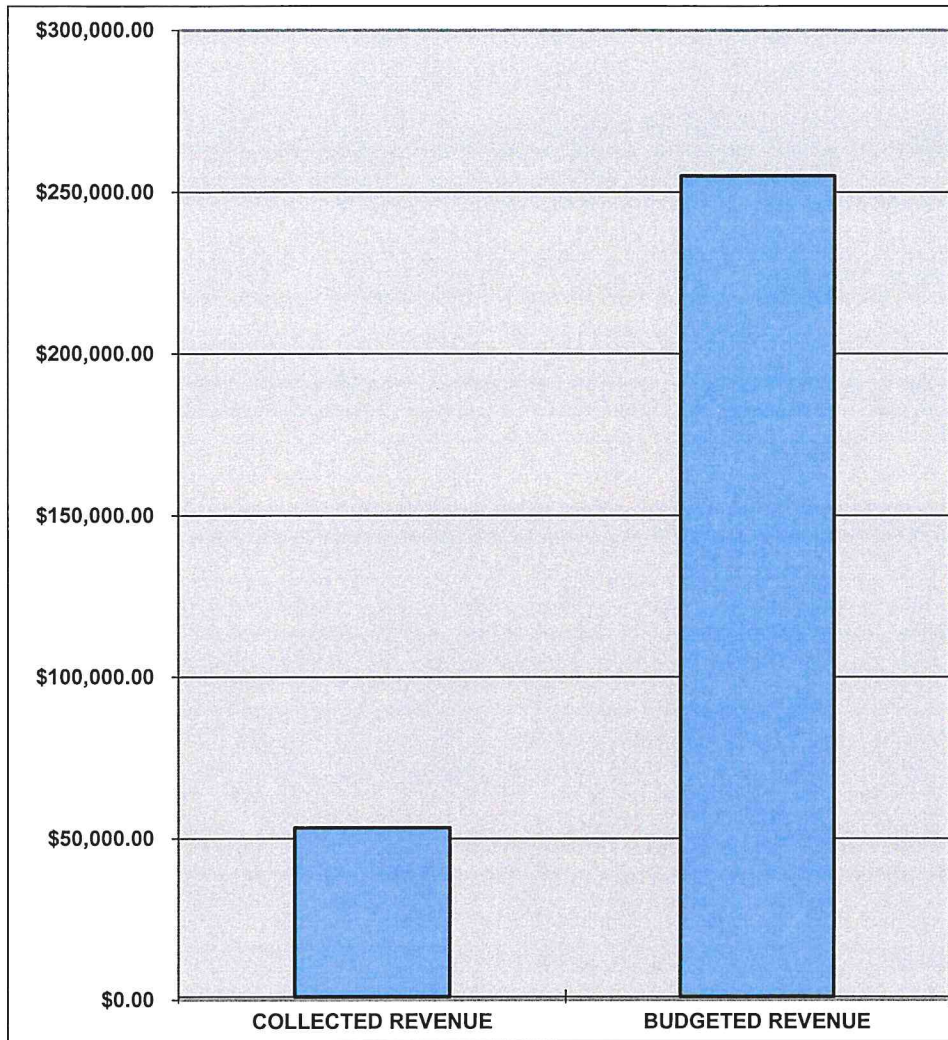
MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE

	Fiscal Year 18/19	Fiscal Year 17-18
COLLECTED REVENUE	\$ 53,371.02	\$ 626,933.53
BUDGETED REVENUE	\$ 255,000.00	\$ 245,500.00

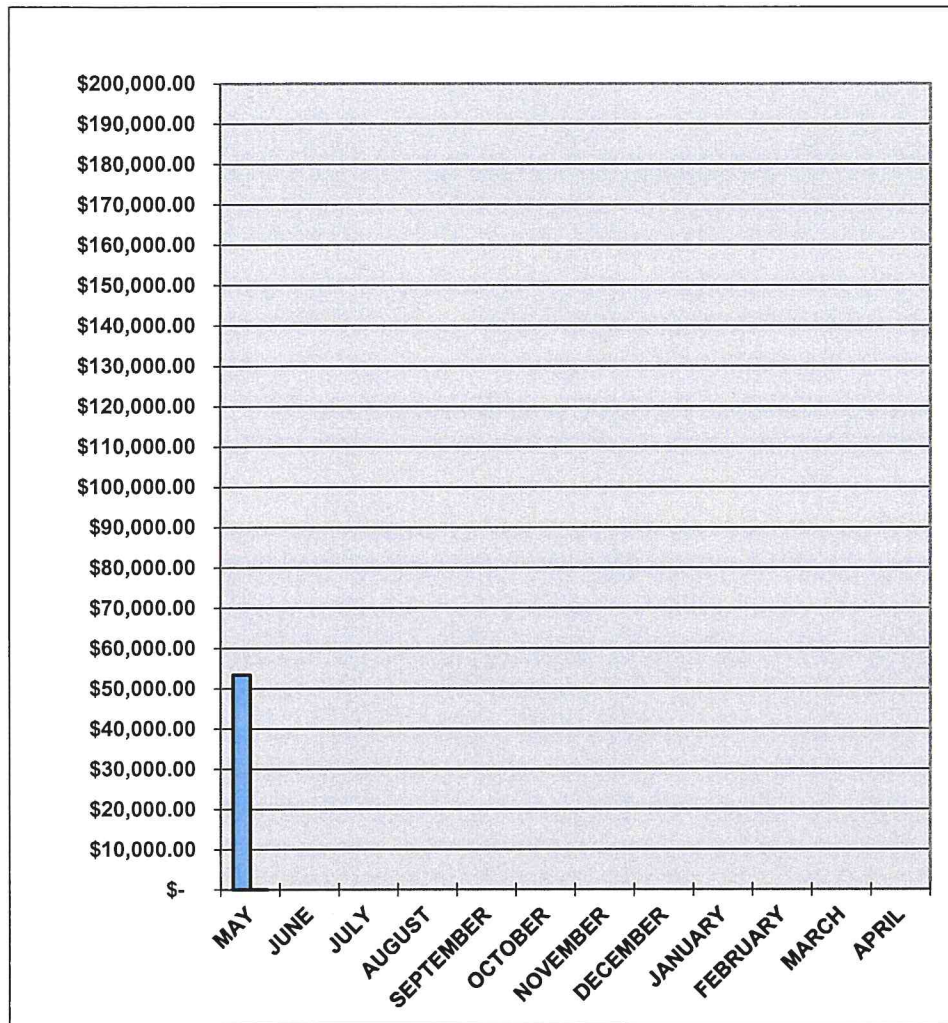
MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE



MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE



Permit	Date Issued:	Date Released:	Date Permit Expires:	Name:	Address:	Permit Purpose:	Business Name:	Fee:	RES / COMM:	Valuation:
18-099	05/01/18	05/01/18	10/30/19	Doug Rzepka	7523 Brookbank	Basement Finish			R	\$ 1,313.52
18-116	05/01/18	05/01/18	10/30/19	Brian Harris	6330 Tremont	Fence		\$ 50.00	R	\$ 4,468.00
18-113	05/01/18		06/30/01	Dave Mihalik	6551 Arabian	Plan Review Deposit		\$ 750.00	R	
18-108	04/27/18	05/02/18	10/31/19	Alex Casares	349 79th St	R/R Driveway		\$ 115.00	R	
18-110	04/27/18	05/02/18	10/31/19	John Komperda	44 Garfield Ridge	Roof		\$ 35.00	R	\$ 17,900.00
18-112	04/27/18	05/02/18	10/31/19	John Komperda	44 Garfield Ridge	Skylight		\$ 75.00	R	see above
18-111	04/27/18	05/03/18	11/01/19	Katellynn Coleman	320 Chatelaine Ct	Roof		\$ 35.00	R	\$ 18,532.26
18-119	05/03/17	05/03/18	11/01/19	Hanna Kayali	800 Ridgemoor Dr	Roof		\$ 35.00	R	\$ 7,000.00
18-117	05/03/18	05/03/18	11/01/19	Michael Holloway	6421 Raleigh Rd	Shed		\$ 40.00	R	\$ 599.00
18-123	05/07/18	05/07/18	11/05/19	Cristina Briseno	7722 Sugarbush Ln	Deck		\$ 50.00	R	\$ 15,260.00
18-124	05/07/18	05/08/18	11/06/19	Dan Kruger	5837 Bentley	Roof		\$ 35.00	R	\$ 5,780.00
18-116	05/01/18	05/08/18	11/06/19	Michael Kins	335 59th Street	Pool/Patio		\$ 792.00	R	\$ 27,000.00
18-122	05/07/18	05/08/18	11/06/19	Tim Masters	7855 S. Quincy	Roof	Quality Sleep	\$ 200.00	C	\$ 97,000.00
18-125	05/08/18	05/08/18	11/06/19	Jonut Sag	7510 Clarendon Hills Rd	Driveway/Public Walk/Apron Only		\$ 125.00	R	\$ 9,500.00
18-107	05/10/18	05/10/18	05/10/19	Ron Gerstung	370 59th St	Driveway/new drain garage		\$165.00	R	\$38,000
18-118	05/03/18	05/10/18	05/10/19	Jimmy Buonavolanto	6407 Lane Court	Generator		\$305.00	R	
18-132	05/11/18	05/11/18	11/09/19	Chuck Schaefer	139 Sunset Ridge Ct	Windows/Door/Portico Porch		\$290.00	R	\$ 63,600.00
18-027	05/04/18	05/14/18	11/12/19	Jim Snyder	7125 S Kingery Hwy	Interior Build Out	Marshalls	\$ 16,105.67	C	\$ 500,000.00
18-131	05/10/18	05/14/18	11/12/19	David Mihalik	318 Arabian	Basement, Finish		\$ 1,119.75	R	\$ 30,000.00
18-135	05/14/18	05/14/18	11/12/19	Dennis Hale	157 Chaucer Court	Fence		\$ 50.00	R	\$ 4,365.00
18-129	05/14/18				7129 Kingery Hwy	Plan Review Deposit	Skechers	\$ 4,000.00	C	
18-130	05/09/18	05/14/18	11/12/19	Darryl Wisniewski	6203 Lake Park Lane Unit	Windows		\$ 75.00	R	\$ 5,700.00
18-127	05/08/18	05/15/18	11/13/19	Derek Nick	760 N. Joliet Rd	Midspan Pole	ComEd	\$ -	C	
18-134	05/11/18	05/15/18	11/13/19	Bobby White	325 63rd Street	Fire Damage Repair		\$ 300.00	R	\$ 31,000.00
18-091	04/13/18	05/15/18	11/13/19	Michael Murphy	6920 Kingery	Parking Lot Repairs	Binny's	\$ 300.00	C	\$ 9,300.00
18-133	05/11/18	05/16/18	11/14/19	Michael Murphy	6920 Kingery	Asphalt/Concrete	Binny's	\$ 300.00	C	\$ 24,000.00
18-064	03/21/18	05/16/18	11/14/19	Steve Carrano	98 W. 63rd	Interior Demo		\$ 1,050.00	C	
18-136	05/14/18	05/16/18	11/14/19	Jim Wagner	5902 Bentley Ave	Sewer Connection		\$ 2,255.00	R	\$ 12,000.00
18-144	05/17/18	05/17/18	11/15/19	Maria Yulanova	625 Joliet Rd	Utility Line/Pole	ComEd	\$ -		\$ -
18-140	05/17/18	05/17/18	11/15/19	Chimanrai Patel	6611 Wedgewood	Partial Driveway/Sidewalk R/R		\$ 150.00	R	
18-139	05/16/18	05/17/18	11/15/19	David Friedman	625 Plainfield Rd	Re-Occupancy	Staffing, Inc.	\$ 200.00		
18-137	05/14/18	05/17/18	11/15/19	Vanessa Juarez	724 Maplewood Unit C	Window		\$ 75.00	R	\$ 2,133.00
18-141	05/17/18	05/17/18	11/15/19	Lora Shanle	7828 Sugarbush	Kitchen Remodel		\$ 470.00	R	\$ 16,438.00
18-120	05/03/18	05/21/18	11/19/19	Patrick Dailey	6242 Clarendon Hills Rd	Windows		\$ 75.00	R	\$ 28,289.00
18-121	05/04/18	05/21/18	11/19/19	Patrick Dailey	335 59th Street	Patio Door		\$ 75.00	R	\$ 8,830.00
18-147	05/21/18	05/21/18	11/19/19	Sebastian Lorenzo	950 Plainfield	Signs/Channel Letters	AT&T	\$ 596.20	C	\$ 2,500.00
18-146	05/18/18	05/21/18	11/19/19	Charles Plank	301 Lake Hinsdale Dr #40	Kitchen remodel		\$ 340.00	R	\$ 15,000.00
18-148	05/21/18	05/21/18	11/19/19	Rosas Falco	6427 Waterford	R/R Concrete Driveway/Sidewalk		\$ 75.00	R	\$ 7,900.00
18-113	05/16/18	05/21/18	11/19/19	Dave Mihalik	6551 Arabian	New SFR		\$ 8,997.06	R	\$ 860,552.00
18-145	05/18/18	05/21/18	11/19/19	Chuck Schaefer	139 Sunset Rd	Electric Service Upgrade		\$ 125.00	R	\$ 2,500.00
18-149	05/22/18	05/22/18	11/20/19	Nadia Retic	6432 Western Ave.	Low Voltage Security System		\$ 50.00	R	\$ 767.00
18-152	05/23/08	05/23/18	11/21/19	Calvin Kung	365 65th Street	Emergency Electrical Repairs		\$ 225.00	R	
18-142	05/15/18	05/24/18	11/22/19	Jessica Jarosz-Doerfl	6432 Western Ave.	Fence		\$ 50.00	R	\$ 8,200.00
18-155	05/24/18	05/25/18	11/23/19	Steve Dejong	6209 Willowood Ln	Interior remodel		\$ 480.00	R	\$ 32,400.00
18-156	05/25/18	05/29/18	11/27/19	Calvin Kung	365 65th Street	Emergency Struc. Repair		\$ 480.00	R	
18-153	05/25/18	05/30/18	11/28/19	Steve McCarty	43 Ridgefield Ln	Roof		\$ 35.00	R	\$ 34,386.00
18-154	05/24/18	05/31/18	11/29/19	Kyle Donaghue	336 Chatelaine Ct	Roof		\$ 35.00	R	\$ 10,915.00

Permit	Date Issued:	Date Released:	Date Permit Expires:	Name:	Address:	Permit Purpose:	Business Name:	Fee:	RES / COMM:	Valuation:
18-157	05/30/18	05/31/18	11/29/19	Oksana Drabchuk	111 75th	Roof		\$ 35.00	R	
			06/30/01							

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 01 GENERAL FUND							
05/01/2018			01-00-310-401 BUILDING PERMITS		BEG. BALANCE		0.00
05/01/2018	CR	RCPT	Building Dept. Invoice 05/01/2018			2,063.52	(2,063.52)
05/01/2018	CR	RCPT	Building Dept. Invoice 05/01/2018			50.00	(2,113.52)
05/02/2018	CR	RCPT	Building Dept. Invoice 05/02/2018			425.00	(2,538.52)
05/03/2018	CR	RCPT	Building Dept. Invoice 05/03/2018			70.00	(2,608.52)
05/04/2018	CR	RCPT	Building Dept. Invoice 05/04/2018			40.00	(2,648.52)
05/08/2018	CR	RCPT	Building Dept. Invoice 05/08/2018			2,877.00	(5,525.52)
05/08/2018	CR	RCPT	Building Dept. Invoice 05/08/2018			200.00	(5,725.52)
05/09/2018	CR	RCPT	Building Dept. Invoice 05/09/2018			125.00	(5,850.52)
05/10/2018	CR	RCPT	Building Dept. Invoice 05/10/2018			16,575.67	(22,426.19)
05/11/2018	CR	RCPT	Building Dept. Invoice 05/11/2018			290.00	(22,716.19)
05/14/2018	CR	RCPT	Building Dept. Invoice 05/14/2018			1,119.75	(23,835.94)
05/14/2018	CR	RCPT	Building Dept. Invoice 05/14/2018			50.00	(23,885.94)
05/15/2018	CR	RCPT	Building Dept. Invoice 05/15/2018			11,725.00	(35,610.94)
05/16/2018	CR	RCPT	Building Dept. Invoice 05/16/2018			555.00	(36,165.94)
05/17/2018	CR	RCPT	Building Dept. Invoice 05/17/2018			695.00	(36,860.94)
05/21/2018	CR	RCPT	Building Dept. Invoice 05/21/2018			8,248.88	(45,109.82)
05/21/2018	CR	RCPT	Building Dept. Invoice 05/21/2018			340.00	(45,449.82)
05/22/2018	CR	RCPT	Building Dept. Invoice 05/22/2018			175.00	(45,624.82)
05/23/2018	CR	RCPT	Building Dept. Invoice 05/23/2018			6,000.00	(51,624.82)
05/24/2018	CR	RCPT	Building Dept. Invoice 05/24/2018			225.00	(51,849.82)
05/24/2018	CR	RCPT	Building Dept. Invoice 05/24/2018			50.00	(51,899.82)
05/25/2018	CR	RCPT	Building Dept. Invoice 05/25/2018			480.00	(52,379.82)
05/29/2018	CR	RCPT	Building Dept. Invoice 05/29/2018			480.00	(52,859.82)
05/30/2018	CR	RCPT	Building Dept. Invoice 05/30/2018			35.00	(52,894.82)
05/31/2018	CR	RCPT	Building Dept. Invoice 05/31/2018			70.00	(52,964.82)
05/31/2018			01-00-310-401	END BALANCE	0.00	52,964.82	(52,964.82)

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 01 GENERAL FUND							
05/01/2018			01-00-310-402 SIGN PERMITS		BEG. BALANCE		0.00
05/21/2018	CR	RCPT	Building Dept. Invoice 05/21/2018			406.20	(406.20)
05/31/2018			01-00-310-402	END BALANCE	0.00	406.20	(406.20)

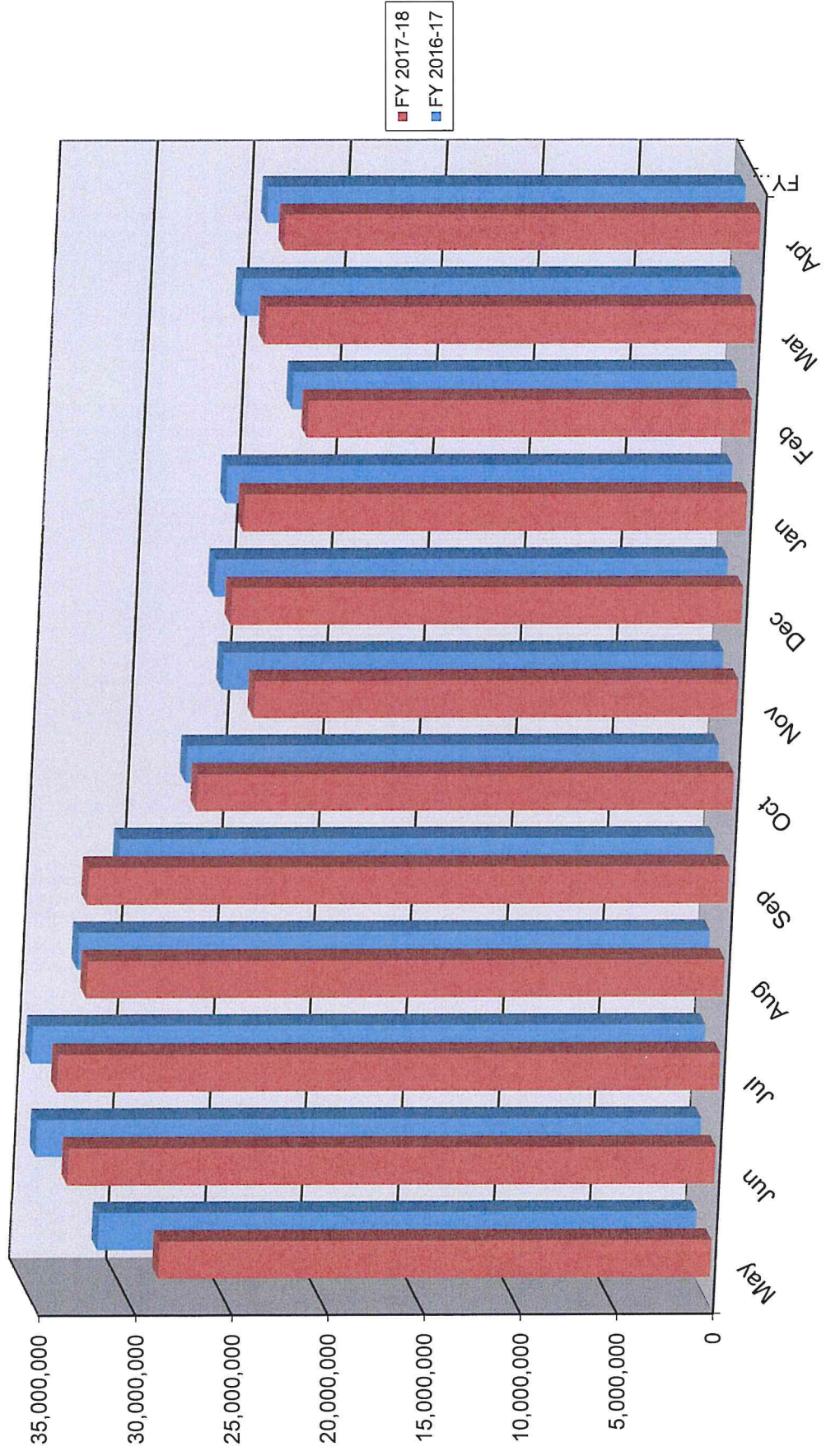
VILLAGE OF WILLOWBROOK - PUMPAGE REPORT
TOTAL GALLONS PUMPED
FY 2002/03 - FY 2017/18

Month	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
May	32,267,000	33,518,000	35,018,000	35,919,000	35,162,000	36,696,000	33,890,000	31,322,000	31,715,000	30,725,000	34,220,000	30,860,000	29,547,000	29,213,000	31,048,000	28,681,000
June	38,911,000	38,691,000	35,447,000	48,511,000	42,471,000	43,700,000	33,817,000	32,087,000	31,799,000	32,620,000	44,635,000	31,512,000	32,193,000	29,447,000	34,451,000	33,573,000
July	52,100,000	39,116,000	41,248,000	52,479,000	43,279,000	44,574,000	41,463,000	36,819,000	38,513,000	41,371,000	49,498,000	39,106,000	33,122,000	32,813,000	34,898,000	34,333,000
August	44,167,000	40,433,000	41,059,000	47,861,000	41,114,000	38,778,000	43,017,000	38,516,000	38,745,000	35,639,000	40,272,000	41,448,000	32,796,000	36,985,000	32,739,000	33,061,000
September	40,838,000	36,275,000	39,658,000	43,906,000	32,998,000	42,013,000	33,418,000	34,331,000	33,992,000	32,273,000	33,657,000	35,737,000	31,869,000	32,623,000	30,853,000	33,220,000
October	33,128,000	31,667,000	33,765,000	35,009,000	31,937,000	34,612,000	30,203,000	28,919,000	33,789,000	29,892,000	30,283,000	29,226,000	28,728,000	30,690,000	27,589,000	27,807,000
November	28,560,000	28,260,000	30,106,000	29,515,000	29,153,000	29,847,000	28,054,000	26,857,000	28,125,000	27,138,000	27,535,000	28,446,000	25,364,000	26,585,000	25,929,000	25,066,000
December	30,503,000	29,133,000	32,786,000	31,086,000	30,102,000	31,435,000	29,568,000	28,931,000	29,257,000	28,643,000	27,863,000	29,847,000	26,710,000	27,194,000	26,581,000	26,480,000
January	30,343,000	29,602,000	31,223,000	29,411,000	30,340,000	32,444,000	29,383,000	28,123,000	28,401,000	28,846,000	28,427,000	31,265,000	28,505,000	27,915,000	26,165,000	26,040,000
February	27,216,000	28,755,000	26,768,000	27,510,000	29,078,000	29,470,000	26,629,000	25,005,000	24,988,000	26,635,000	24,308,000	29,230,000	25,484,000	26,048,000	22,962,000	22,950,000
March	29,488,000	30,315,000	30,025,000	29,905,000	30,362,000	31,094,000	28,408,000	27,945,000	27,909,000	28,911,000	27,862,000	29,917,000	28,779,000	26,552,000	25,855,000	25,388,000
April	29,845,000	29,350,000	29,478,000	30,452,000	29,468,000	30,239,000	27,193,000	27,793,000	27,145,000	34,220,000	27,514,000	28,101,000	25,255,000	26,791,000	24,720,000	24,583,000
TOTAL	417,366,000	395,115,000	406,581,000	441,564,000	405,464,000	424,902,000	385,043,000	366,648,000	374,378,000	376,913,000	396,074,000	384,695,000	348,352,000	352,856,000	343,790,000	341,182,000

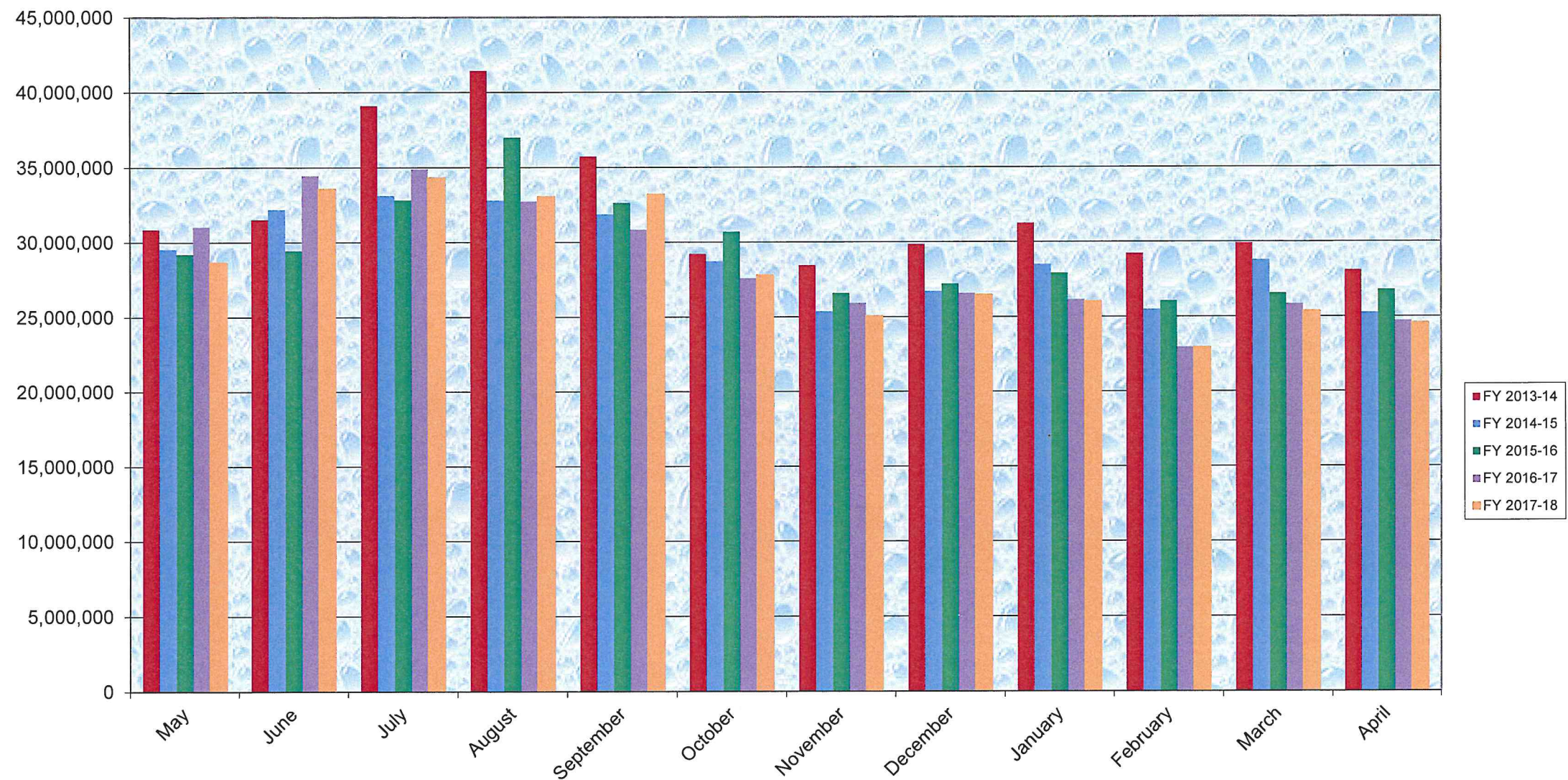
YEAR TO DATE LAST YEAR (gallons):	343,790,000
YEAR TO DATE THIS YEAR (gallons):	341,182,000
DIFFERENCE (gallons):	-2,608,000
PERCENTAGE DIFFERENCE (+/-):	-0.76%
FY17/18 PUMPAGE PROJECTION (gallons):	350,000,000
FY17/18 GALLONS PUMPED TO DATE:	341,182,000
CURRENT PERCENTAGE PUMPED COMPARED TO	97.48%

All table figures are in millions of gallons sold on a monthly basis per fiscal year.

Monthly Pumpage Chart



Village of Willowbrook Pumpage Report





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

RECEIVED

MAY 17 2018

VILLAGE OF
WILLOWBROOK

847-608-3131
FAX: 847-608-3139

May 7, 2018

Village of Willowbrook Public Water Supply
c/o Mr. Timothy Halik, Village Administrator
7760 South Quincy Street
Willowbrook, Illinois 60527

Re: **Willowbrook – IL0431100**
2018 Public Water Supply Inspection Report

Dear Mr Halik:

An engineering evaluation of the Village of Willowbrook community water supply has been completed. A field inspection was made on March 27, 2018 by Grover Hopkins of this office. Timothy Halik was present during this inspection.

The Illinois Environmental Protection Agency conducts periodic inspections of all community water supplies to determine if their ongoing programs for monitoring, maintaining the water supply, and providing appropriate information to the water users meet the requirements of the Illinois Pollution Control Board's public water supply regulations and related standards. The reason for this work is that if the people in a community are to cooperate and use a common water supply, they must feel that their system is properly constructed, operated and maintained.

Based on this evaluation, we have concluded that the water supply is being properly operated and maintained, and is satisfactorily protected against the entrance of contamination.

The Illinois Pollution Control Board Regulations can be downloaded from the internet at **www.ipcb.state.il.us**. The *Recommended Standards for Water Works* is available from Health Education Services, P.O. Box 7126, Albany, New York, 12224. (Phone: 518-439-7286 / FAX: 518 - 439-7022). This document may also be purchased through the internet at www.hes.org

We also request that you review the enclosed "Public Water Supply Data Sheets". Monitoring requirements are determined by the information included on these data sheets, making it vital that you inform us of any errors or other inaccuracies.

Willowbrook – IL0431100
May 7, 2018

We appreciate the cooperation and courtesy extended during this survey. Questions or comments regarding this evaluation should be directed to Grover Hopkins at (618) 608-3134.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Segundo Nallatan', with a stylized, flowing script.

Segundo Nallatan, P.E.
Regional Manager
Division of Public Water Supplies
Illinois Environmental Protection Agency

A handwritten signature in blue ink, appearing to read 'Grover Hopkins', with a stylized, flowing script.

Grover Hopkins
Environmental Protection Engineer

cc: DuPage County Health Department
IDPH
Illinois State Water Survey

DATA SHEET PAGE 1

**Illinois Environmental Protection Agency
Bureau of Water - Division of Public Water Supplies
Inspection Report - Elgin Regional Office**

FACILITY NAME		Willowbrook		FACILITY NUMBER		IL043-1100	
PLANT PHONE		630-323-0975		COUNTY		DuPage	
INSPECTION DATE		March 27, 2018		INSPECTED BY		Grover Hopkins	
SEND CORRESPONDENCE TO				EXEMPTION / LABORATORY FEE STATUS			
NAME OR ENTITY		Timothy Halik		CHLORINE (Date)		No exemption	
ADDRESS		7760 South Quincy Street		LAB FEE PARTICIPANT (Y/N)		No	
CITY, STATE, ZIP		Willowbrook, Illinois 60527					
CONTACT INFORMATION							
CERTIFIED OPERATOR		Timothy Halik		CLASS	C	NUMBER	168370068
PHONE		630-920-2261		FAX			
PAGER				OTHER			
OWNER - RESPONSIBLE PERSONNEL		Timothy Halik		TITLE OR POSITION		Village Administrator	
PHONE				FAX			
OTHER CONTACTS		NAME		TITLE OR POSITION		PHONE	
		Andrew Passero		Foreman		630-514-2477	
HOME PAGE ADDRESS							
FACILITY STATUS							
Open	X	Critical Review		Restricted Status		Reason	Date
BRIEF DESCRIPTION OF SYSTEM AND SERVICE AREA							
Willowbrook PWS is located in southern-eastern DuPage County, Illinois. This PWS has 2,124 service connections serving approximately 8,540 residents. Treated Lake Michigan water is obtained from Chicago via DuPage Water Commission (DWC) into a 3 MG standpipe at the main pumping station. A 2,100 gpm high service pump takes suction from the standpipe and discharges the chlorinated (gas) water into Willowbrook's distribution system through TP05. Water from DWC can also bypass the main pump station and serve Willowbrook under direct pressure. Two 500K elevated tanks float on this system. The facility has no emergency power at TP05 but has Lake water emergency interconnections with five neighboring public water supplies and also has three days in reserve elevated storage. The supply is equipped with low water pressure, chlorine leak, and security alarm systems at TP05. The supply has a SCADA system. The facility's distribution system consists of 43.4 miles of ductile iron water distribution mains.							
SERVICE CONNECTIONS						# METERS	
NUMBER OF DIRECT SERVICES						2124	
DIRECT SERVICES OUTSIDE CORPORATE LIMITS							
Residential Customers						1883	
Commercial Customers						241	
Industrial Customers							
SATELLITE WATER SYSTEMS / INTERCONNECTIONS				FACILITY NUMBER		Source?	Customer?
Burr Ridge (emergency interconnection)				043-4190		x	x
Clarendon Hills (emergency interconnection)				043-0250		x	x
Darien (emergency interconnection)				043-0270		x	x
DuPage County SERWF (emergency interconnection)				043-0060		x	x
Westmont (emergency interconnection)				043-0950		x	x

DATA SHEET PAGE 2

ADEQUACY OF SUPPLY						
DATE RANGE	FROM	1/1/2017	TO	12/31/2017	PLANT CAPACITY (MGD)	1.267
					FIRM CAPACITY (MGD)	
LIMITING FACTOR FOR PLANT CAPACITY?						Allocation
ANNUAL PUMPAGE (MG)	RAW				FINISHED	343.79
AVERAGE DAILY (MGD)	RAW				FINISHED	0.942
MAX Day (MGD)	RAW				FINISHED	1.641
POPULATION	8540		Estimated or Census Data			Estimated
	How was Estimated Population Figured?					
AVERAGE DAILY PER CAPITA USAGE:	110.29gal/per/day		Time to Produce Average Daily (Finished)			17.8 hours
			Time to Produce Average Daily (FIRM)			

TREATMENT APPLICATION POINT SUMMARY											
TAP #	Location or Description	Source Name	Source ID	Status (A, I or X)	Well Depth	Casing Length	Aquifer	Current Production (GPM)	GWUDI Eval. (DATE)	Waivers	
										VOC	SOC
TP05	Main pump station	DuPage Water Commission	043-5400	A			Lake Michigan	2,100***	NA	NA	NA
Source Use (Disconnected sources, backups, seasonal use, etc)		TP05 is the only source of water for the supply. Treated Lake Michigan water is obtained from Chicago via DuPage Water Commission (DWC) into a 3 MG standpipe at the main pumping station. A 2,100 gpm high service pump takes suction from the standpipe and discharges the chlorinated water into Willowbrook's distribution system through TP05. Water from DWC can also bypass the main pump station and serve Willowbrook under direct pressure.									
Bacteriological History (Raw water samples)											
TREATMENT		Disinfectant Used		Fluoridation Chemical Used		Other Chemical Addition		Other Treatment			
		Chlorine gas		None		None		None			
		Installation Deficiencies						General Condition of Plant			
								Good			
Other Comments regarding this TAP								Emergency Power		None	

Service Area / Pressure Zone / Distribution System													
Water Source(s)				TP05									
Location or Description				Service Area Population		No. of Service Connections		Finished Water Storage (Show Capacities)					
								Ground		Elevated		Hydropneumatic	
Willowbrook Distribution System				8540		2124		3.0 MG Standpipe		2X500K gallon			
Maximum System Pressure		Location		Minimum System Pressure		Location				Free Chlorine Residual (mg/l)		Location	
62psi		Main pumphouse		46psi		Route 83 & 67 th st				0.73		Treatment plant	
Flushing Program				Fire Protection Provided?		Current Map Available?		Valve Maintenance Program			Notes and Other Observations		
None	Yearly	2 x year	More Often	No	Yes	No	Yes	No Valves	No Program	OK			
	X			X			X			X			

DATA SHEET PAGE 3

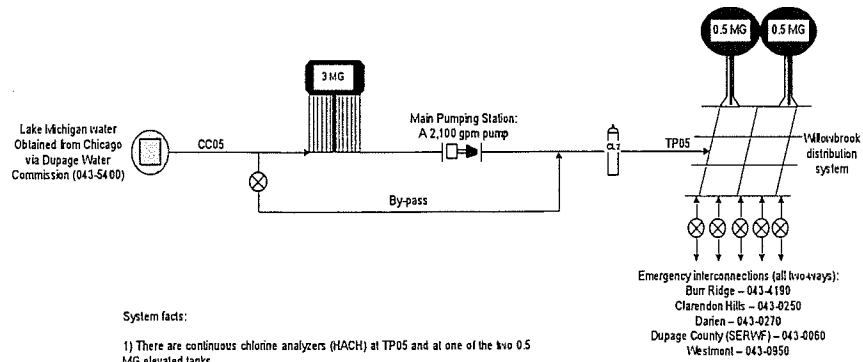
Operating Reports / Records														
Content of Monthly Reports														
Monthly Reports Being Submitted?			Report for each TAP?		Daily Production from Each TAP?		Daily Measured Residuals?		Daily Dosage Calculations?		Notes and Other Observations			
Yes	No	Late	Yes	No	Yes	No	Yes	No	Yes	No				
X			X		X		X		X					
Cross Connection control Ordinance														
Does the system have an ordinance?		Date Approved (by IEPA)		Program Enforced?		Do Private Wells Exist in the Service Area?								
Yes	No			Yes	No	Yes	No							
X			3/1/1986	X		X								
Monitoring														
Bacteriological Summary														
Monitoring History (2017 Year)				Primary Lab		Phone		FAX						
	Raw	Finished	Distribution											
Number of Samples			120	ETP Labs		630-891-3392		630-891-3394						
Number Satisfactory			120	Secondary Lab		Phone		FAX						
Number Invalid			0											
Number Unsatisfactory			0	Suburban Labs		708-544-3260								
Fecal / E. Coli. Positive			0	Coliform Monitoring Plan Approved?		All Major Portions of system included in Plan?		Chlorine Residuals taken at Sample Sites?		Monitoring FREE Residual?				
				Yes	No	Yes	No	Yes	No	Yes	No			
Monitoring Violations		MCL Violations	0	X		X		X		X				
Chemical Summary														
Pb/Cu	Results are below MCL													
D/DBP	Results are below MCL													
Viability / Financial Management														
Service Fee (Minimum Charge)	\$78.56/quarter		Other source(s) of income used to maintain the water system						No					
Direct Charge (cost per 1,000 gallons)	\$9.67/1,000 gallons		Does the Utility have an ACTIVE program to ensure all customers pay bills?						Yes					
Billing Frequency	Quarterly		Does the utility have a fund to cover major repairs?						Yes					
ICC Regulated? (Y/N)	No		Name and phone no. of person responsible for system repairs.						Andrew Passero 630-514-3329					
Date of Last Rate Increase	January 1, 2015		Name and Phone No. of Person Responsible for Financial Management of the Water System						Carrie Sittman 630-920-2235					
			Major Water Supply Concerns expressed by Residents/ Customers.						Cost of water					
What was the most recent major repair or improvement involving This Water System (Include Dates)														
Recoating 0.5MG spheroid														
Planned, Anticipated or Needed Upgrades and Improvements (Include dates or timeframe if known)			Add wireless water meter, replace data collection unit											

Deficiencies noted in Attachment "A" in the last inspection March 27, 2014

Deficiencies from last inspection	Corrected (Yes/No)
Timely Permit Applications	Yes

Service connections: 2,124
Population: 8,540

Public Water System Flow Chart Willowbrook 043-1100



System facts:

- 1) There are continuous chlorine analyzers (HACH) at TP05 and at one of the two 0.5 MG elevated tanks.
- 2) The facility has no emergency power at TP05 but has Lake water emergency interconnections with five neighboring public water supplies and also has three days in reserve elevated storage.