

OSWEGO TOWNSHIP

ORDINANCE NO. 2019 - 06

**AN ORDINANCE ADOPTING THE
SMALL CELL WIRELESS FACILITIES DEPLOYMENT
ACT
(50 ILCS 840)**

**ADOPTED BY
THE BOARD OF TRUSTEES OF THE
OSWEGO TOWNSHIP**

This 9th day of July, 2019

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(50 ILCS 840)**

RECITALS

WHEREAS, upon determining that a law addressing the deployment of wireless technology is of vital interest to the State, the Illinois General Assembly enacted the Small Wireless Facilities Deployment Act (50 ILCS 840) (hereinafter the “Act”);

WHEREAS, 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;

WHEREAS, the Act specifies how local authorities may regulate the collocation of small wireless facilities;

WHEREAS, the Act defines “authority” as 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 control for placements not within public rights-of-way;

WHEREAS, the Township of Oswego, Kendall County, Illinois (the "Township") is a township duly organized under the laws of the State of Illinois, including the Illinois Township Code, and a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution;

WHEREAS, the Board of Trustees of the Township (the “Board”) has full authority to make all contract necessary in the exercise of the township’s powers pursuant to 60 ILCS 1/85-10(d);

WHEREAS, the Township Board is interested in adopting the Act so that it may enter into agreements with cell providers to collocate such small wireless facilities within the Township; and

WHEREAS, the Township has determined that it is and remains in the best interest of the safety, health, and welfare of residents of the Township to utilize such small wireless facilities for the overall benefit of the residents.

THEREFORE, BE IT ORDAINED by the Board of Trustees of Oswego Township, Kendall County, Illinois, as follows:

Section 1: The Township Board finds and determines the foregoing Recitals to be true and correct, and said Recitals are incorporated herein as if written out here in full.

Section 2: That the Township Board hereby adopts the provisions set forth in the Act to the full extent that it does not conflict with any other existing Township ordinance;

Section 3: That the Township wishes to retain all available and permissible authority under the Act, and therefore expressly reserves the right to adopt future parameters to be established in the siting and utilization of small cell antennas / towers within the township public rights-of-way as permitted by law.

Section 4: Any wireless provider wishing to collocate such small wireless facilities within the Township shall apply to do so as set forth in the Act, and shall begin by submitting a completed Small Wireless Facilities Permit Application (attached hereto and made a part hereof as Exhibit A);

Section 5: The Township shall process all applications on a nondiscriminatory basis, and shall approve an application unless the application does not meet the requirements as set forth in the Act.

Section 6: The Township Clerk shall keep available a copy of this Ordinance subsequent to its adoption for inspection by any interested party in the Township office.

Section 7: If any section, paragraph, or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.

Section 8: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

[The remainder of the page was intentionally left blank; roll call to follow]

ADOPTED this 9th day of July, 2019, by the following roll call vote:

AYES _____

NAYS: _____

ABSENT: _____

Township Supervisor, Oswego Township

ATTEST:

Township Clerk, Oswego Township

[SEAL]

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

CLERK'S CERTIFICATE

I, _____, the duly qualified and acting Clerk of Oswego Township, Kendall County, Illinois, do hereby certify that attached hereto is a true and correct copy of a resolution entitled:

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which Ordinance was duly adopted by the Board of Trustees of Oswego Township at a regular meeting held on the 9th day of July, 2019

I do further certify that a quorum of the Board of Trustees was present at said meeting, and that all of the requirements of the Illinois Open Meetings Act were complied with.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of July, 2019.

Township Clerk, Oswego Township

[SEAL]

EXHIBIT A:
SMALL WIRELESS FACILITIES PERMIT APPLICATION