

**Chapter 20 TELECOMMUNICATIONS**

- Art. I. Telecommunication. §§ 20-1 – 20-16**
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- Art. III. Cable and Video Customer Protection Law §§ 20-51 – 20-70**
- Art. IV. Cable/Video Service Provider Fee and Peg Access Support Fee §§ 20-71 – 20-90**
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**\*Editor's note**--Ord. No. O-137-92, §1, adopted Sept. 9, 1991, deleted Ch. 20, Eminent Domain, in its entirety. Former Ch. 20 was derived from Ord. No. O-7-82, § 1, adopted Jan. 25, 1982; and Ord. No. O-15-82, §1, adopted Feb. 8, 1982.

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Editor's Note – Ord. No. 0-249-05, §1, adopted December 19, 2005, deleted Article II. Infrastructure Maintenance Fee (Secs. 20-17 through 20-26) in its entirety. Now reference Chapter 17, Section 17-78 Imposition of Tax

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Editor's Note – Ord. #0-208-07, adopted on December 10, 2007, added a new Article III Cable and Video Customer Protection Law.

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Editor's Note – Ord. #0-209-07, adopted on December 10, 2007, added a new Article IV Cable/Video Service Provider Fee and Peg Access Support Fee.

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Editor's Note – Ord. #0-121-15, adopted October 19, 2015 replaced Chapter 20 in its entirety.

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Editor's Note – Ord. #O-31-19, adopted April 1, 2019 replaced Article V Personal Wireless Telecommunication Services and Facilities in its entirety with Article V Small Wireless Facilities Deployment

**ARTICLE 1:GENERAL**

**Sec. 20-1. Purpose.** The purpose and intent of this Chapter Title is to:

- 20-1.1** establish a local policy concerning telecommunications providers and services;
- 20-1.2** establish clear local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;
- 20-1.3** promote competition in telecommunications;
- 20-1.4** minimize unnecessary local regulation of telecommunications providers and services;
- 20-1.5** encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the Village;
- 20-1.6** permit and manage reasonable access to the public ways of the Village for telecommunications purposes on a competitively neutral basis;
- 20-1.7** conserve the limited physical capacity of the public ways held in public trust by the Village;
- 20-1.8** assure that the Village's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the persons seeking such access and causing such costs;

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- 20-1.9 secure fair and reasonable compensation to the Village and the residents of the Village for permitting private use of the public ways;
- 20-1.10 assure that all telecommunications carriers providing facilities or services within the Village comply with the ordinances, rules and regulations of the Village;
- 20-1.11 assure that the Village can continue to fairly and responsibly protect the public health, safety and welfare;
- 20-1.12 enable the Village to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

**Sec. 20-2 Definitions**

For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

**"Affiliate"** means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

**"Annual gross revenue"** ... reserved.

**"Cable Act"** shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. §532, *et seq.*, as now and hereafter amended.

**"Cable operator"** means a telecommunications carrier providing or offering to provide "cable service" within the Village as that term is defined in the Cable Act.

**"Cable service"** for the purpose of this Title shall have the same meaning provided by the Cable Act.

**"Corporate Authorities"** means the Mayor and Village Council.

**"Easement"** Any land, public or private, upon which any utility has any right(s) granted for access, usage, placement, construction, or maintenance of or relative to the operation of its utility system(s). (Ord.No.0-109-99, § 2,3,4,56;8-9-99)

**"Excess capacity"** means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.

**"FCC"** or **"Federal Communications Commission"** means the Federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

**"Facility"** All structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within public ways, except those owned by the Village. (Ord.No.0-109-99, §2,3,4,56;8-9-99)

**"Franchisee"** Any person as holder of a Franchise Agreement as set forth in Section 20.5 of this document.

**"ICC"** or **"Illinois Commerce Commission"** means the State administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the State of Illinois.

**"Licensee"** Any person as holder of a Telecommunication License as set forth in Village Code.

**"Other ways"** means the highways, streets, alleys, utility easements or other rights-of-way within the

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Village, but under the jurisdiction and control of a governmental entity other than the Village.

**"Overhead facilities"** means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

**"Person"** means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.

**"Public street"** means any highway, street, alley or other public right of way for motor vehicle travel under the jurisdiction and control of the Village which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.

**"Public way"** means and includes all public streets and utility easements, as those terms are defined herein, now or hereafter owned by the Village, but only to the extent of the Village's right, title, interest or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.

**"State"** means the State of Illinois.

**"Surplus space"** means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Illinois Commerce Commission, to allow its use by a telecommunications carrier for a pole attachment.

**"SWFDA"** means The Small Wireless Facilities Development Act (50 ILCS 840/1 et seq.) as now and hereafter amended.

**"Telecommunications carrier"** means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the Village, used or to be used for the purpose of offering telecommunications service.

**"Telecommunications facilities"** means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

**"Telecommunications Franchisee"** See **"Franchisee"**

**"Telecommunications Licensee"** See **"Licensee"**

**"Telecommunications provider"** means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.

**"Telecommunications service"** means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

**"Telecommunications system"** See **"Telecommunications facilities"**.

**"Underground facilities"** means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for Overhead Facilities.

**"Usable space"** means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Illinois Commerce Commission.

**"Utility"** The individual or entity owning or operating any facility as defined in this Chapter. (Ord.No.0-109-99, §§2,3,4,56;8-9-99)

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**"Utility easement"** means any easement owned by the Village and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

**"Utility facilities"** means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the Village and used or to be used for the purpose of providing utility or telecommunications services.

**"Village"** means the Village of Palatine.

**"Village property"** means and includes all real property owned by the Village, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the Village, which are not subject to right-of-way licensing and franchising as provided in this Title.

**Sec. 20-3. Registration:** Any entity or utility having or installing facilities of any kind in the easements, public or private, or the public ways within the Village shall register with the Village in accordance with Chapter 16 of the Village Code of Ordinances. (Ord.No.0-109-99, §§2,3,4,56;8-9-99)

**Secs. 20-4 - 20-16 Reserved.**

### ARTICLE II. RESERVED

**Secs. 20-17 – 20-50 Reserved.**

### ARTICLE III. CABLE AND VIDEO CUSTOMER PROTECTION LAW

[Editor's Note – Ord. #0-208-07, adopted on December 10, 2007, added a new Article III Cable and Video Customer Protection Law.]

#### **Sec. 20-51 Customer Service and Privacy Protection Law.**

- (a) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the Village of Palatine's boundaries.
- (b) Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the Village of Palatine.

#### **Sec. 20-52. Enforcement.**

The Village of Palatine does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village of Palatine.

**Sec. 20-53. Penalties.**

The Village of Palatine, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750.00 for each day of the material breach, and shall not exceed \$25,000.00 for each occurrence of a material breach per customer.

- (a) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
- (b) The Village of Palatine shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.
- (c) A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (b).

**Sec. 20-54. Customer Credits.**

The Village of Palatine hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

**Sec. 20-55. Severability.**

If any provision of this Article, or the application of any provision of this Article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Article, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Article.

**Sec. 20-56–20-70 Reserved.**

**ARTICLE IV. CABLE/VIDEO SERVICE PROVIDER FEE  
AND PEG ACCESS SUPPORT FEE**

[Editor's Note – Ord. #0-209-07, adopted on December 10, 2007, added a new Article IV Cable/Video Service Provider Fee and Peg Access Support Fee.]

**Sec. 20-71. Definitions.**

As used in this Article, the following terms shall have the following meanings:

- (a) “*Cable service*” means that term as defined in 47 U.S.C. § 522(6).
- (b) “*Commission*” means the Illinois Commerce Commission.

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(c) “*Gross revenues*” means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder’s cable service or video service area within the Village of Palatine.

(1) Gross revenues shall include the following:

- (i) Recurring charges for cable or video service.
- (ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
- (iii) Rental of set top boxes and other cable service or video service equipment.
- (iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
- (v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
- (vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
- (vii) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder’s network to provide cable service or video service within the Village of Palatine. The allocation shall be based on the number of subscribers in the Village of Palatine divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
- (viii) Compensation received by the holder that is derived from the operation of the holder’s network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder’s network, such as a “home shopping” or similar channel, subject to subsection (ix).
- (ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder’s revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- (x) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

- (i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
- (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- (iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to non-cable service or non-video service in

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accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

- (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village of Palatine and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
- (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
- (vi) Security deposits collected from subscribers.
- (vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(d) "*Holder*" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(e) "*PEG*" means public, education and governmental.

(f) "*PEG access support fee*" means the amount paid under this Article and 220 ILCS 5/21-801(d) by the holder to the Village of Palatine for the service areas within its territorial jurisdiction.

(g) "*Service*" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(h) "*Service provider fee*" means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

(i) "*Video service*" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

### **Sec. 20-72. Cable/Video Service Provider Fee Imposed.**

(a) *Fee Imposed.* A fee is hereby imposed on any holder providing cable service or video service in the Village of Palatine.

(b) *Amount of Fee.* The amount of the fee imposed hereby shall be five percent (5%) of the holder's gross revenues.

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(c) *Notice to the Village of Palatine.* The holder shall notify the Village of Palatine at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village of Palatine.

(d) *Holder's Liability.* The holder shall be liable for and pay the service provider fee to the Village of Palatine. The holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village of Palatine.

(e) *Payment Date.* The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(f) *Exemption.* The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village of Palatine in which a fee is paid.

(g) *Credit for Other Payments.* An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 20-72(b).

### **Sec. 20-73. PEG Access Support Fee Imposed.**

(a) *PEG Fee Imposed.* A PEG access support fee is hereby imposed on any holder providing cable service or video service in the Village of Palatine in addition to the fee imposed pursuant to Sec. 20-72.

(b) *Amount of Fee.* The amount of the PEG access support fee imposed hereby shall be one percent (1%) of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the Village of Palatine or its designee for PEG access support in the Village of Palatine.

(c) *Payment.* The holder shall pay the PEG access support fee to the Village of Palatine or to the entity designated by the Village of Palatine to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in Section 20-72(d).

(d) *Payment Due.* The payment of the PEG access support fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(e) *Credit for Other Payments.* An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes under Section 20-73(b).

### **Sec. 20-74. Applicable Principles.**

All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.



**Sec. 20-75. No Impact on Other Taxes Due from Holder.**

Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village of Palatine, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village of Palatine's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

**Sec. 20-76. Audits of Cable/Video Service Provider.**

(a) *Audit Requirement.* The Village of Palatine will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village of Palatine imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to re-compute any amounts determined to be payable under the requirements of the Village of Palatine. If all local franchises between the Village of Palatine and cable operator terminate, the audit requirements shall be those adopted by the Village of Palatine pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) *Additional Payments.* Any additional amount due after an audit shall be paid within thirty (30) days after the Village of Palatine's submission of an invoice for the sum.

**Sec. 20-77. Late Fees / Payments.**

All fees due and payments which are past due shall be governed by ordinances adopted by the Village of Palatine pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

**Sec. 20-78. Severability.**

If any provision of this Article, or the application of any provision of this Article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Article, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Article.

**Sec. 20-79 – 20-90. Reserved.**

**ARTICLE V. SMALL WIRELESS FACILITIES DEPLOYMENT**

**Sec. 20-91. Purpose, Scope and Conflicts.**

- a) 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 Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for business, office research or manufacturing use, in a manner that is consistent the SWFDA.
- b) 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.

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- c) 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.

### **Sec. 20-92. Definitions.**

All terms defined in this section have the meaning provided in Section 10 of SWFDA.

*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 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.* 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.* A utility pole owned or operated by an authority in public rights-of-way.

*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 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

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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.

*Permit.* A written authorization required by an authority 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, including an authority.

*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 authority-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 back haul 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 authority.

*Wireless provider.* A wireless infrastructure provider or a wireless services provider.

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*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.

### **Sec. 20.93. Small Wireless Facilities – Permitted Use Subject to the Provisions of this Article V**

1. Small wireless facilities shall be classified as permitted uses, and are subject to the provisions of this Chapter.
2. Small Wireless Facilities shall not be 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 business, office-research and manufacturing uses.

### **Sec. 20-94. Permit Requirements and Review Procedure.**

An applicant is required to obtain one or more permits to collocate small wireless facilities. A permit application is received and processed, and permits are issued subject to the following requirements.

#### 1. Application Requirements.

- A. Specific Documentation. A wireless provider shall be required to provide the following information when seeking a permit to collocate small wireless facilities on a utility pole or wireless support structure:
  - i. 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;
  - ii. Site specific structural integrity analysis 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;
  - iii. 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;
  - iv. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
  - v. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
  - vi. Certification that the collocation complies with paragraph (5), Requirements, to the best of the applicant's knowledge.
  - vii. For Village utility poles that support aerial facilities used to provide communications services or electric service, wireless providers shall

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comply with the process for make-ready work under 47 U.S.C. 224 and its implementing regulations.

- viii. Applications for Multiple Small Wireless Facilities.
  - i. 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.
  - ii. 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 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.
- ix. Alternate Placements in Lieu of New Utility Pole.
  - i. With respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village 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.
  - ii. The applicant shall 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.

### 2. Permit Review Procedure.

- A. Method of submitting all permit documentation. All applicants seeking permits are required to submit their documentation through the online tools provided on the official Village of Palatine website. The online submission process shall be the sole method for accepting permit documentation, and paper submissions will not be accepted unless explicitly specified by the relevant Village department.
- B. Village Review Period to Determine Completeness of Application. Within 30 days after receiving an application, the Village must determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after when all documents, information, and fees specifically enumerated in the Village's permit application are submitted by the applicant to the Village.

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- C. Village Review Period for Permit Application. The Village shall process applications as follows:
- i. Collocation on Existing Structure.
    - 1. An application to collocate a small wireless facility on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis.
    - 2. An application shall be deemed approved if the Village fails to approve or deny the application within 90 days but only if notice pursuant to Section 20-94(2)(C)(i)(3) is timely provided to the Village.
    - 3. If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the Village in writing (“Deemed Approved Notice”) of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.
    - 4. If the Deemed Approved Notice was timely given, then 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 Village.
    - 5. The receipt of the Deemed Approved Notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.
  - ii. Collocation on New Structure.
    - 1. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis.
    - 2. An application shall be deemed approved if the Village fails to approve or deny the application within 120 days, but only if notice pursuant to Section 20-94(2)(C)(ii)(3) is timely provided to the Village.
    - 3. If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the Village in writing (“Deemed Approved Notice”) of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.
    - 4. If the Deemed Approved Notice was timely given, then 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 Village.
    - 5. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.
- D. Village Review Period for Permit Correction Resubmittals.

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- i. The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee.
  - ii. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved.
  - iii. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the Village in writing (“Deemed Approved Notice”) of its intention to invoke the deemed approved remedy simultaneously with the Applicant’s resubmittal.
  - iv. If the Deemed Approved Notice is timely given, then the application shall be deemed approved on the 31st day after resubmission.
  - v. Any subsequent Village reviews shall be limited to the deficiencies cited in the denial.
  - vi. However the revised application deemed approved cure does not apply if the cure requires the review of a new location, a new or different structure to be collocated upon, new antennas, or other new wireless equipment associated with the small wireless facility.
  - vii. The receipt of the Deemed Approved Notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.
- E. Tolling of Review Time Period.
- i. All processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.
  - ii. The time period for applications may be further tolled by:
    1. The express agreement in writing by both the applicant and the Village; or
    2. A local, State or federal disaster declaration or similar emergency that causes the delay.
- F. Document Basis for Denial.
- The Village 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 Village denies an application.

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### 3. Application Fees. Application fees are subject to the following requirements:

- A. The Village shall charge 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 an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- B. The Village shall charge 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 filed pursuant to this Chapter must be accompanied by the required application fee.
- D. The Village 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 Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of 20-94 (1) (A) (iv); 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.
  - iv. However, the Village may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closures.

### 4. Collocation Limitations.

- A. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.
- B. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.
  - i. For purposes of this Section, 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.
- C. The Village may reserve space on authority utility poles for future public safety uses or for the Village's electric utility uses, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the authority utility pole cannot accommodate both uses.



**Sec. 20-95. Height, Spacing, Design and Historic Preservation Regulations.**

1. Height Limitations. The Village may limit the maximum height of a small wireless facility antenna to 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

A. 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 Village, 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 Village, provided the Village 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.

2. 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.

3. Design Standards. 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 identified by the Village 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

4. Underground Installations. The wireless provider shall comply with Section 16-20 of the Code of Ordinances concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval.

5. Historic Preservation.

A. Subject to Section 20-93, and except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4), the Village requires reasonable, technically feasible and non-discriminatory design or concealment measures in a historic district or historic landmark.

B. 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.

C. This Section 20-95(5)(C) 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.

**Sec. 20-96. Waivers.**

Waivers from the height, setback and underground requirements of this Chapter shall be pursued according to the procedure set forth in Chapter 16 of the Palatine Code of Ordinances and will require Village Council concurrence.

**Sec. 20-97. Interference.**

1. 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.
2. 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.
3. 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.
4. 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.
5. The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

**Sec. 20-98. Construction Requirements.**

1. The wireless provider shall comply with the applicable codes and local code provisions or regulations that concern public safety.
2. The wireless provider shall comply with generally applicable standards that are consistent with the SWFDA 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 the SWFDA 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.

**Sec. 20-99. Replacement of Wireless Support Structure.**

1. If the Village determines that applicable codes, local code provisions or regulations that concern public safety, or the requirements of this Chapter 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.
  - a. The Village must document the basis for a denial, including the specific code provisions or

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application conditions on which the denial was based, and send the documentation to the applicant on or before the day the Village denies an application.

- b. The applicant may cure the deficiencies identified by the Village 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 Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved but only if notice pursuant to Section 20-99(1)(d) is timely provided to the Village.
- c. If an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant must notify the Village in writing (“Deemed Approved Notice”) of its intentions to invoke the deemed approved remedy at the same time the applicant resubmits the application.
- d. If the Deemed Approved Notice was timely given, then the permit shall be deemed approved on the 31st day after the applicant resubmits the application and the Village receives the Deemed Approved Notice.
- e. The receipt of the Deemed Approved Notice shall not preclude the Village’s denial of the permit request within the time limits as provided in this Section.
- f. Any subsequent review shall be limited to the deficiencies cited in the denial.
- g. 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.

### **Sec. 20-100. Collocation Construction Completion Deadline.**

Collocation for which a permit is granted shall be completed within 180 days after issuance of the 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.

### **Sec. 20-101. Duration of Permits.**

The duration of a permit shall be for a period of not less than ten (10) years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes and this Chapter.

### **Sec. 20-102. Repeal of Small Wireless Facility Deployment Act.**

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

**Section 20-103. 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 Village 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.

**Sec. 20-104. Existing Contracts.**

The wireless provider shall comply with requirements that are imposed by a contract between the Village 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.

**Sec. 20-105. Existing Agreements Grandfathered for Existing Locations.**

Agreements between the Village 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 June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions.

**Sec. 20-106. Annual Recurring Rental Rate.**

The Village shall charge an annual recurring rate to collocate a small wireless facility on a Village 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 Village utility pole.

Rates for collocation on Village utility poles located outside of a right-of-way are not subject to these limitations.

**Sec. 20-107. Burden of Proof Regarding Claim of Excessive Rental Rates.**

In any controversy concerning the appropriateness of a cost-based rate for a Village utility pole located within a right-of-way, the Village 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.

**Sec. 20-108. Abandonment.**

1. 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 Village notifying the owner of the abandonment.
2. The notice shall be sent by certified or registered mail, return receipt requested, by the Village 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 Village may remove or cause the removal of 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.

**Sec. 20-109. Notice of Transfer of Ownership of Small Wireless Facilities.**

The Village shall require a wireless provider to provide written notice to the Village if a wireless provider sells or transfers small wireless facilities within the jurisdictional boundary of the Village. Such notice shall include the name and contact information of the new wireless provider.

**Sec. 20-110. Dispute Resolution.**

A circuit court has 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 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.

**Sec. 20-111. Indemnification.**

A wireless provider shall indemnify and hold the Village 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 Ordinance and the SWFDA. 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 Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

**Sec. 20-112. Insurance.**

1. The Village shall 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

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for bodily injury and property damage.

2. The Village shall require a wireless provider to include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy as reasonably required by the Village.

**Sec. 20-113. 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.

(Ord. O-31-19, 04/01/19; Ord. O-16-24, 03/05/24)