

TITLE 13

PERSONAL WIRELESS SERVICE FACILITIES

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| Personal Wireless Service Facilities | 1 |

CHAPTER 1

PERSONAL WIRELESS SERVICE FACILITIES

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13-1-1: **SHORT TITLE:** This Code shall be known as Personal Wireless Service Facility (PWSF) Code of the Village of Morton, Illinois, and may be so cited and pleaded and shall be referred to herein as the Code.

13-1-2: **PURPOSE:** The primary intent of this Code is to regulate PWSFs, including antennas, mounts, and equipment to be located within the Village of Morton. This Code is not intended to nor does it apply to amateur radio communications and amateur radio antennas. Therefore, the purpose of this Code shall be to:

- (A) Comply with all federal and state regulations regarding the placement, use, and maintenance of PWSFs.
- (B) Encourage the continued improvement of wireless telecommunications service in the Village.
- (C) Minimize, to the extent permitted by law, the proliferation of visual and safety impacts of personal wireless service facilities throughout the Village.
- (D) Promote both proper maintenance and renovation of PWSFs.
- (E) Discourage the use of co-location of telecommunications towers by multiple providers so as to reduce the number of high towers needed within the Village of Morton.
- (F) Ensure that these regulations are compatible with the Zoning Ordinance.

(G) Recognize the commercial communication requirements of all sectors of the business and residential community.

13-1-3: **DEFINITIONS:** The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

ANTENNA: A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

ANTENNA ARRAY: An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs). The antenna array does not include the mount as defined herein.

APPLICANT: A person or entity with an application before the Village for a permit for a PWSF.

AGL (ABOVE GROUND LEVEL): The actual height of the PWSF from the sidewalk level or equivalent established grade to the highest part of the mount or the antenna, whichever is higher.

CAMOUFLAGE: A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility.

CARRIER: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. For purposes of this Title, a tower builder shall not be considered a carrier.

CELL SITE: A generic term for a PWSF.

CELLULAR: A mobile telephone service operating in the eight hundred (800) MHz spectrum.

CO-APPLICANT: Any person and/or entity joining with an applicant in an application for a permit for a PWSF, including the owner(s) of the PWSF, owner(s) of the subject property, and any proposed tenant(s) for the PWSF.

CO-LOCATION: The use of a common PWSF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of two or more PWSFs on adjacent properties.

COMMERCIAL MOBILE RADIO SERVICES (CMRS): Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data, and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

CONCEAL: To enclose a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

DESIGN: The appearance of PWSFs such as their materials, colors, and shape.

DISGUISE: To design a PWSF to appear to be something other than a PWSF.

ELEVATION: The measurement of height above sea level. Also AMSL, or above mean sea level.

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| ENHANCED SPECIALIZED MOBILE RADIO (ESMR): | Private land mobile radio with telephone services. |
| EQUIPMENT CABINET/EQUIPMENT SHELTER: | An enclosed structure at the base of the mount within which are housed the equipment for the PWSF such as batteries and electrical equipment. |
| FALL ZONE: | The area on the ground within a prescribed radius from the base of a PWSF. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material. |
| FEDERAL COMMUNICATIONS (FCC): | An independent federal agency charged with licensing and regulating wireless communications at the COMMISSION national level. |
| FUNCTIONALLY EQUIVALENT SERVICES: | Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services. |
| GUYED TOWER: | A monopole or lattice tower that is anchored to the ground or to another surface by diagonal cables. |
| HEIGHT: | The distance measured from sidewalk level or equivalent grade, which for purposes of this ordinance will be called above ground level (AGL), to the highest point of a PWSF, including the antenna array. |
| LATTICE TOWER: | A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel. |
| LICENSED CARRIER: | A company authorized by the FCC to construct and operate a commercial mobile radio services system. A licensed carrier must be identified for every PWSF application. |
| LOCATION: | The area where a PWSF is located or proposed to be located. |
| MICROCELL: | Any PWSF that is designed and limited to generate lower power density than that limited by the FCC "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation". |
| MITIGATION: | The reduction or elimination of visual impacts by the use of one or more methods: <ol style="list-style-type: none"> 1. Concealment. 2. Camouflage. 3. Disguise. |
| MODIFICATION: | The changing of any portion of a PWSF from its description in a previously approved permit. The FCC definitions for "modification" are different than local government rules. |
| MONOPOLE: | The shape of mount that is self-supporting with a single shaft of wood, steel, or concrete, and antennas at the top and/or along the shaft. |

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| MOUNT: | The structure or surface upon which antennas are mounted, e.g.: <ol style="list-style-type: none"> 1. Roof-mounted: Mounted on the roof of a building. 2. Side-mounted: Mounted on the side of a building. 3. Ground-mounted: Mounted on the ground. 4. Structure-mounted: Mounted on a structure other than a building. |
| PERSONAL WIRELESS SERVICE FACILITY (PWSF): | Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter, and a mount. |
| PERSONAL WIRELESS SERVICES: | Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services. |
| RADIO FREQUENCY (RF) ENGINEER: | Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies. |
| RADIO FREQUENCY RADIATION (RFR): | The emissions from PWSFs that can, in excessive amounts, be harmful to humans. RF emissions are byproducts of the RF signal. |
| RADIO FREQUENCY (RF) SIGNAL: | The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF. The RF emission is the byproduct. |
| SECURITY BARRIER: | A locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass. |
| SEPARATION: | The distance between one carrier's antenna array and another carrier's antenna array. |
| SHORT MOUNTS: | Alternatives to monopoles or guyed and lattice towers, such as masts or poles. For example, two poles or three masts might be an alternative to one lattice tower. |
| SITE: | That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it. |
| SITING: | The method and form of placement of PWSFs on a specific area of a subject property. |
| SPECIALIZED MOBILE RADIO SMR (SMR): | A form of dispatch or two-way communication used by companies that rent space or time from an carrier. Used primarily for data, delivery vans, truckers, or taxis within a small, definable geographic area. |
| STANDARDS: | Rules or measures by which acceptability is determined. PWSFs are measured by standards measuring visibility or safety. Wireless planning tends to regulate PWSFs on three levels: location (or where the PWSF site can go), siting (or how the PWSF is placed within its setting) and design (or what the PWSF looks like). |

TOWER: A term used as a modifier (e.g., tower builder) or when modified (e.g., lattice tower). For purposes of this Title, a monopole shall not be considered a tower.

UNLICENSED WIRELESS FCC SERVICES: Commercial mobile services that can operate on public domain frequencies and therefore need no license for their sites.

WIRELESS COMMUNICATIONS: Any form of signaling by wireless, including personal wireless services, that require a transmitter, a receiver, and a path – sometimes straight, sometimes indirect – between them.

13-1-4: CO-LOCATION REQUIREMENTS: All PWSFs erected, constructed, or located within the Village shall comply with the following requirements:

- (A) **Tall Mounts Discouraged:** Tall mounts are discouraged in the Village of Morton, and proliferation of short mounts is considered preferable to co-location.
- (B) **Co-Location Discouraged:** Co-location should be discouraged for all PWSF applications.
- (C) **Worst-Case Review:** The Village of Morton shall review applications for co-locations on the basis of all positions on the mount, i.e., the cumulative, worst-case condition.
- (D) **Co-Location Review Includes Entire Facility:** Applications for co-locations on mounts, when they are constructed prior to the effective date of this ordinance, require review of the existing mount as well as co-location under the requirements of this ordinance.
- (E) **Co-Locations Not Previously Reported:** Applications for co-locations on mounts constructed after the effective date of this ordinance, when they did not previously show the proposed co-location, require review of the existing mount as well as co-location under the requirements of this ordinance.
- (F) **Co-Location Heights to be Reduced:** Any proposal to add to an existing tower constructed prior to the effective date of this ordinance, whether built to accommodate future co-location or not, shall not be approved without an overall reduction of height AGL of the existing tower of at least twenty five percent (25%) except that this provision shall not apply to the Village of Morton's water towers. (amd. Ord. 01-38, 2-18-02)

13-1-5: PRE-EXISTING PERSONAL WIRELESS SERVICE FACILITIES:

- (A) A PWSF for which a permit has been issued prior to the effective date of this ordinance shall be deemed a permitted use, subject to the conditions of that permit. When an unpermitted PWSF is identified by The Village of Morton to be attached to a mount approved for another use or PWSF, the attached PWSF must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this ordinance. Unpermitted PWSFs will be considered out of compliance with this ordinance and subject to abatement.
- (B) If PWSF mounts are hereafter damaged or destroyed due to any reason or cause whatsoever, the mount may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section; provided, however, that if the cost of repairing the mount to the former use, physical dimensions, and location would be ten percent (10%) or more of the cost of a new mount of like kind and quality, then the mount may not be repaired or replaced, except in full compliance with this Code.

- (C) Placement of an attached array or a microcell on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure. However, placement of any attached array, microcell, or any other portions of a PWSF on an existing structure, whether legally non-conforming or in, as well as out of, compliance, shall require a permit to be obtained for the PWSF under the terms of this ordinance.
- (D) Unpermitted Facilities, Mounts, or Equipment Ineligible for Co-location: No issuance of any permit under this ordinance shall occur for a request to co-locate, attach, or share an existing PWSF site, mount, or facility, when such existing site, mount, or facility is found to have one or more PWSFs without permits and/or any structure, mount, or facility is found to lack one or more building, electrical, or any other permits required by the Village of Morton and the laws that the Village is authorized to implement and enforce.
- (E) Relationship to Other Ordinances: This ordinance shall supercede conflicting requirements contained in the Village of Morton Zoning Ordinance regarding the siting and permitting of PWSFs, except that in the event of a conflict with provisions of the Peoria Regional Airport Impact Regulations, the more stringent requirement shall apply.

13-1-6: **SPECIFICATION OF LAND USE CLASSIFICATIONS:** PWSFs shall be a permitted use or a special use in all zoning districts, provided that such PWSFs comply with the standards of this ordinance and the permits under which PWSFs are regulated. This provision supercedes any provisions in Title 10 to the contrary.

13-1-7: **TIERED PERMIT PROCESS:**

- (A) It shall be unlawful for any person, firm, or corporation to erect, construct in a place, place or re-erect, replace, or repair any tower without first making application to the Village of Morton and securing a permit under one of the following "tiers".
- (B) The Village of Morton Superintendent of Public Works (SPW) shall receive all PWSF applications and assign each application to one of the following "tiers".
1. Tier One: This tier is limited to applications for a building permit that comply with the following:
 - (a) Place PWSFs on Village-owned streetlights.
 - (b) Meet Village of Morton specifications as developed and on view in the Office of the SPW.
 - (c) Tier One applications need not meet all Location, Siting, Design, and Safety Standards in this ordinance.
 2. Tier Two: These are applications that comply with the following:
 - (a) PWSFs that are proposed for streetlights not owned by the Village of Morton.
 - (b) PWSFs that are proposed for placement on one of the Civil Defense Siren Towers owned by the Village of Morton.
 - (c) PWSFs that are proposed for placement on a church either on a new or rebuilt steeple.
 - (d) PWSFs that are proposed for placement on a building or structure taller than the average in Morton.
 - (e) PWSFs that are proposed for placement on public field lights or private lot (parking or storage) lights.

- (f) PWSFs that are proposed for placement on Interstate signs.
 - (g) PWSFs that are proposed for placement on traffic signals.
 - (h) Tier Two applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
 - (i) Maps are available at the Village of Morton showing facilities as described above.
3. Tier Three: All applications that do not qualify as either Tier One or Tier Two shall be considered Tier Three applications for special use permits.
- (a) Tier Three applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
 - (b) Special use permits shall be reviewed, approved, or denied as provided for in the Morton Zoning Ordinance Section 10-10-2.
 - (c) Notwithstanding the foregoing, Tier Three applications on property owned by the Village of Morton shall not be subject to the special use process, nor shall they be subject to location, siting or design standards in this ordinance. They shall be subject to all safety standards. (amd. Ord. 11-05, 5-2-11)

(C) Process of Review, Approval, or Denial.

1. Tier One Review and Approval/Reassignment to Tier Two: All Tier One applications shall meet the SPW's specifications and shall be reviewed by the SPW for administrative approval of a building permit.
 - (a) Review and direct the Zoning Officer to grant a building permit.
 - (b) Review and direct the Zoning Officer to reassign the application for a Tier Two review.
2. Tier Two Review and Approval/Denial: The SPW shall review (or cause the Zoning Officer to review) Tier Two applications. The SPW shall act on Tier Two applications in one of the following ways:
 - (a) Review and make recommendations to the applicant for filing a modified request.
 - (b) Review the request and direct the Zoning Officer to grant a building permit.
 - (c) Review and deny the request.
 - (d) Prepare a report on the application and the denial for the Board of Trustees.
3. Tier Three Review and Recommendation to the Village of Morton Plan Commission and Board of Trustees for Approval/Denial: All Tier Three applications shall be reviewed by the SPW for a special use permit. The SPW shall prepare a report to the Plan Commission. The Plan Commission shall act on these applications in accordance with Morton Zoning Ordinance Section 10-10-2 by preparing written recommendations to the Village of Morton Board of Trustees for one of the following:
 - (a) Review and recommend special use permit.
 - (b) Review and recommend special use permit with conditions.
 - (c) Review and recommend denial of special use permit.

(d) All recommendations of the Plan Commission shall be forwarded to the Board of Trustees for final action. The Board of Trustees may accept, deny, or modify the Plan Commission recommendation.

4. All decisions resulting in approvals or disapprovals by the Plan Commission and Board of Trustees shall be in writing and supported by findings of fact and conclusions of law based upon competent substantial evidence in the record.

(D) Special Provisions for Omni Directional Antenna/Vertical Sector Panel:

1. An omni directional antenna may be placed on any Tier One or Tier Two structure, provided that its diameter does not exceed three inches (3") at its widest point and it does not exceed ten feet (10') in length. Three vertical sector panels may be placed on any Tier One or Tier Two structure, provided they meet the following specifications: twenty one and one half inches (21 1/2") long, seven inches (7") wide and three inches (3") deep.
2. Any equipment cabinet/equipment shelter installed in conjunction with the omni directional antenna or vertical sector panel must meet all applicable ordinances.
3. An omni directional antenna or vertical sector panel installed on a Tier Two structure does not have to meet the location, sitting, or design and safety standards. (amd. Ord. 02-18, 9-3-02)

13-1-8: **STANDARDS:** The approval of any PWSF, other than Tier One applications, shall be subject to meeting or exceeding the following standards:

(A) Location Standards:

1. Opportunity Sites: A PWSF should be located at an opportunity site. Opportunity sites are as follows:
 - (a) Rooftops on any building other than single family dwellings.
 - (b) Utility poles, including telephone poles, utility distribution and transmission poles, treetlights (not owned by the Village of Morton), and traffic signal stanchions.
 - (c) Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards.
 - (d) Wooded areas.
 - (e) Steeples on churches already having steeples or on newly constructed steeples.
 - (f) Interstate "high" signs, already subject to permit by the Village of Morton.
2. Avoidance Areas: A PWSF should not be located in an Avoidance Area. Avoidance Areas are as follows:
 - (a) Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map.
 - (b) Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.
 - (c) Visual corridors, as mapped by the Village of Morton.

3. These location standards shall be considered directory but not mandatory. Interpretation of opportunity sites and avoidance areas shall be based on the Village of Morton Geographic Information System (GIS) or maps.
4. PWSFs may also be permitted in areas that are not opportunity sites, subject to the following siting, design, and safety standards, and permitted in avoidance areas, subject to the following siting, design, and safety standards.
5. These standards apply regardless of radio frequency (RF) engineering considerations.

(B) Siting Standards: PWSFs should meet the following siting standards. These standards are directory, not mandatory.

1. To the greatest extent possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.
2. Placement within trees should be encouraged, but no antennas should extend higher than ten (10) feet above the average tree height.
3. Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs.
4. Roof-mounted PWSFs should not project more than ten (10) additional feet above the height of a legal building, but in no event above the height limit of the zoning district within which the PWSF is located.
5. Side-mounted PWSFs should not project more than twenty (20) inches from the face of the mounting structure.
6. These standards apply regardless of RF engineering considerations.

(C) Design Standards: PWSFs should meet the following design standards. These standards are directory, not mandatory.

1. Color: All PWSFs should be painted or complementary with natural tones (including trees and sky).
2. Size: The silhouette of the PWSF should be reduced to the minimum visual impact.
3. PWSFs near residences should either:
 - (a) Provide underground vaults for equipment shelters, or
 - (b) Place equipment shelters within enclosed structures approved by the Village of Morton.
4. Equipment: The following types of equipment should be discouraged:
 - (a) Roof-mounted monopoles, lattice towers, or guyed towers.
 - (b) Ground-mounted lattice towers.
 - (c) Ground-mounted guyed towers.
 - (d) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

5. Height should be kept to a minimum:

- (a) Height of PWSFs should be no greater than the uppermost height of nearby structures within three hundred (300) horizontal feet (when measured on the ground), regardless of prevailing height limits in the zoning district.
- (b) In the event there are no nearby buildings within three hundred (300) horizontal feet (when measured on the ground) of the proposed site of the PWSF, the following should apply:
 - 1. All ground-mounted PWSFs (including the security barrier) should be surrounded by nearby dense tree growth for a radius of twenty (20) horizontal feet (when trunk centerlines are measured on the ground) from the PWSF in any direction. These trees can be existing on the subject property or installed to meet the twenty (20) foot requirement as part of the proposed PWSF, or they can be a combination of both.
 - 2. Ground-mounted PWSFs should not project more than ten (10) feet above the average tree height.

6. These standards apply regardless of RF engineering considerations.

(D) Safety Standards: PWSFs should meet the following safety standards. These standards are directory, not mandatory.

- 1. Tornado design standards should be those of the building code used in the Village of Morton or EIA-TIA 222 (latest version), whichever is stricter.
- 2. Roof mounts on buildings should have railings to protect workers.
- 3. All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points unless buried underground.
- 4. All construction of PWSFs shall be in compliance with the National Electrical Code.

13-1-9: **FALL ZONE; SETBACK REQUIREMENTS:**

(A) Fall Zone: No habitable structure or outdoor area where people congregate should be within a fall zone of the height of the PWSF except on property owned by the Village of Morton. This provision shall apply only to Tier Three applications.

(B) Setback, except on property owned by the Village of Morton that is adjacent to property with no structures within the Fall Zone area: (amd. Ord. 10-37, 3-21-11)

- 1. All PWSFs, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Village of Morton Zoning Ordinance. In addition, mounts shall be located on the lot in such a manner that in the event of a collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- 2. Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten feet (10') to any property line.
- 3. The antenna array for an attached PWSF is exempt from the setback requirements of this ordinance and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment.

4. On parcels with a principal building housing a principal use, all components of the PWSF shall be located behind the main building line.

5. No portion of any PWSF shall project into a required setback more than the maximum projection permitted in the zoning district in which the facility is located.

13-1-10: **FEES:** The Village shall have the right to properly plan for and evaluate applications for PWSFs and to charge reasonable fees for such services to the applicant. Such fees shall include, but shall not be limited to, the following:

- (A) **Application Fee:** The Village staff shall evaluate each application on a case-by-case basis. The application fee shall include, but shall not be limited to, the cost for Village staff to properly evaluate applications for PWSFs. The application fee shall be equally applied to all applications. The basic application fee shall be one thousand dollars (\$1,000.00). (amd. Ord. 00-16, 7-6-00)
- (B) **Special Fee:** The Village shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for individual PWSFs. The special fee shall include, but shall not be limited to, the hourly rate of the independent technical consultant or expert the Village deems necessary to properly evaluate applications for PWSFs. The special fee shall be applied to those applications requiring special review or evaluation.
- (C) **General Fee:** The Village has retained independent consultants and experts on wireless planning and may retain future independent consultants and experts to assist Village staff with proper planning for PWSFs. The general fee shall include, but shall not be limited to, the pro-rated share for each applicant of such costs for the independent consultants and experts and for Village staff. The general fee shall be pro-rated among all applications on an equal basis. The general fee shall be one thousand dollars (\$1,000.00) per application. (amd Ord. 00-23, 8-7-00)
- (D) **Right of Way Management Fee:** Any applicant that utilizes the right of way of the Village shall pay an annual management fee of thirty dollars (\$30.00) for each PWSF. This shall be paid on the first day of the month during which its application is granted and each anniversary thereafter. (amd. Ord. 00-16, 7-6-00)
- (E) **Annual Registration Fee:** There shall be an annual registration fee of one hundred dollars (\$100.00) payable at the beginning of the date of approval and each anniversary date thereafter. (amd. Ord. 00-23, 8-7-00)

13-1-11: **ALTERNATIVES ANALYSIS AND COMPARISON:** Each Tier Three application for a PWSF should also contain at least two alternatives that differ from the PWSF proposed in the application.

- (A) **Differences:** The alternatives need not be totally different from the proposed PWSF; however, the alternatives should contain measurable differences, such as:
 1. **Height:** An alternative can be identical to the proposed PWSF except to be for a shorter height.
 2. **Number:** An alternative could be for two (2) or more PWSFs that are shorter than the proposed PWSF.
 3. **Location:** An alternative could be located on a different property than the proposed PWSF.
 4. **Siting:** An alternative could be in a different place on the same property as the proposed PWSF.

5. Design: An alternative could be of the same height, location, and siting as the proposed PWSF, but be designed to appear differently.

(B) Submittal Requirements for Alternatives: The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed PWSF.

(C) Comparison of PWSF and Alternatives: The Village of Morton SPW shall compare the proposed PWSF to the alternatives on the basis of the following:

1. Change in community scale, as exhibited in relative height, mass, or proportion of the PWSF within its proposed surroundings.
2. New visible elements proposed on a contrasting background.
3. Different colors and textures proposed against a contrasting background.
4. Use of materials that are foreign to the existing built environment.
5. Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.
6. Amount and diversity of landscaping and/or natural vegetation.
7. Preservation of view corridors, vistas, and viewsheds.
8. Continuation of existing colors, textures, and materials.

(D) Ranking of Proposed PWSF and Alternatives: The SPW shall rank the proposed PWSF and each alternative based on the criteria listed in Section 13-1-10 (C). The SPW shall submit each application, the alternatives, and the rankings to the Plan Commission for review. The Plan Commission shall consider the alternatives along with the proposed PWSF.

13-1-12: **MODIFICATIONS:** The Village of Morton shall require the review and approval of all modifications to PWSFs.

(A) Types of Modification: A modification of a PWSF is any of the following:

1. Change of ownership of the PWSF or of the subject property.
2. Change in technology used for the PWSF, such as an “overlay”.
3. Addition or replacement of any equipment in the PWSF, excluding direct, like-for-like substitutions.
4. Change in design of the PWSF.
5. Addition to any PWSF for the purposes of co-location.

(B) Applicants for modifications shall submit an application to the Village for a modified PWSF. The application shall be treated in the same manner as any application for a PWSF.

13-1-13: REGISTRY; MONITORING; INSPECTION; ABANDONMENT; OBSOLESCENCE:

- (A) Registry: Each carrier shall file the following information with the Village on an annual basis, beginning with the date of approval.
1. Owner/lessee/intermediary/agent and carrier(s) at the site.
 2. Location by latitude and longitude, addresses, and parcel numbers.
 3. Height, AGL.
 4. Co-location status and capability (including if a former co-location has been removed).
 5. Last date at which site was modified and the nature of the modification.
 6. A list of toxic/hazardous materials at the PWSF (including in the equipment shelter).
 7. Instructions for emergency personnel on the approach action to be taken in case of an emergency involving any toxic/hazardous substances.
 8. The name and telephone number of a representative of the carrier to be contacted in the event of any emergency at the PWSF site. The contact representative is to be available on a twenty four (24) hour a day, seven (7) days a week basis.
 9. A site monitoring schedule indicating how often the site is inspected and monitored by the carrier.
 10. A ground maintenance schedule indicating how often the grounds are maintained and the name and telephone number of a representative of the carrier to be contacted in the event the grounds require service before the next scheduled maintenance.
- (B) Inspection: The owner or operator of a PWSF shall provide for and conduct an inspection of mounts at least once every five (5) years. A report shall be provided to the Village of Morton SPW verifying structural integrity and tenants on the mounts as a part of the requirements provided for in this ordinance. If the report indicates that repair is needed, same shall be accomplished as soon as reasonably practical, but in no event more than sixty (60) days after.
- (C) Abandonment and Removal: Any PWSF that is not operated for a continuous period of eighteen (18) months shall be considered abandoned, and the owner of such PWSF shall remove same within ninety (90) days of notice to the Village of Morton SPW that the PWSF is abandoned. If such PWSF is not removed within said ninety (90) days, the Village of Morton may have the PWSF removed at the PWSF owner's expense.
- (D) Hazardous Materials: A PWSF shall be registered under the County of Tazewell Hazardous Materials Management Ordinance if petroleum products are used to fuel power supplies or any toxins are contained in equipment cabinets or shelters or alternative power sources.

13-1-14: RADIO FREQUENCY RADIATION EMISSIONS:

- (A) A statement certifying that, as proposed, the entire combined facility will comply with the current FCC rules and guidelines concerning human exposure to radio frequency radiation emissions (FCC Guidelines) shall be provided at the time of building permit application or when the request is made.
- (B) No Contravention of FCC Guidelines: A PWSF that meets the FCC guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

- (C) Since PWSFs are required by the FCC to be in compliance with FCC Guidelines at all times, as those FCC Guidelines are changed, a statement certifying compliance for each PWSF shall be filed with the Village of Morton within thirty (30) days of a compliance determination, and no more than ninety (90) days beyond the effective date of an FCC Guideline change.

13-1-15: **NOISE:** No equipment shall be operated at a PWSF so as to produce noise in excess of the applicable noise standards under the Village of Morton Noise Ordinance, except for emergency situations requiring the use of a back-up generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.

13-1-16 **LIGHTING; SECURITY:**

(A) Lighting: A PWSF shall not be artificially lighted, except for:

1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
2. Such lighting of the PWSF as may be required by the FCC, Federal Aviation Administration (FAA), or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

(B) Security Barriers: A security barrier shall be required around the perimeter of the mount(s) or equipment structure, and any anchor points. In the case of a roof-mounted PWSF, the security barrier need only be around the antenna. The security barrier shall be maintained by the operator of the PWSF or mount for the life of the installation. No security barrier is needed around side-mounted PWSFs, but distances from windows and balconies should conform to Section 13-1-15 (C) 2 below.

(C) Security Barriers for Certain Populations: The security barriers around all PWSFs shall be reviewed by the SPW and found to be acceptable for:

1. Controlled Population: Those persons who are trained in procedures for working near or around radio frequency radiation.
2. General Population: All other persons, some of whom have no concept of what radio frequency radiation is or how it can cause harm. Members of the general population should not be allowed nearer than ten (10) meters to the nearest part of an antenna.

13-1-17: **SIGNS/IDENTIFICATION PLAQUES:** No signage shall be permitted on any PWSF other than that required for public safety purposes or by the FCC or FAA, except that each PWSF shall have a weather-proof plaque mounted at eye level identifying the carrier, frequency, and date of permit approval.

13-1-18: **SCREENING; LANDSCAPING:**

(A) Natural Vegetation: Existing natural vegetation shall be undisturbed to the greatest extent practicable.

- (B) Landscaping: Landscaping of disturbed areas of the PWSF site and security barriers shall be required as follows:
1. At least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five feet (5') apart within fifteen feet (15') of the site boundary; and
 2. At least one row of evergreen trees or shrubs, at least four feet (4') in height when planted and spaced not more than fifteen feet (15') apart, located interior to the perimeter of the shrubs required in Section 13-1-18 (B) 1 above; and
 3. For ground mounts greater than two hundred feet (200') tall, at least one row of deciduous trees, not less than one and one half inches (1-1/2") diameter measured three feet (3') above grade, and spaced not more than twenty feet (20') apart, and located within the perimeter of the evergreen trees or shrubs required in Section 13-1-18 (B) 2 above.
 4. All security barriers for guy wire anchor points shall be screened from view by at least one (1) row of evergreen shrubs spaced not more than five feet (5') apart and capable of forming a continuous hedge at least five feet (5') in height within two (2) years of planting.
 5. Existing vegetation, topography, walls and fences combined with shrubs, or other features may be substituted for the required buffers if the SPW finds they:
 - (a) Achieve the same degree of screening as the required buffer; or
 - (b) Affect the stability, security, or maintenance of guy wires.
 6. Landscaping materials shall be maintained by the operator of the PWSF for the life of the installation.
- (C) Waiver by SPW: The above standards may be waived by the SPW for those property lines or site boundary lines of a proposed PWSF that are located adjacent to undevelopable lands, for PWSF sites not in public view, or for PWSF sites located within areas designated for industrial land use by the Village of Morton Comprehensive Plan.

13-1-19: **ACCESS; PARKING:**

- (A) Parking: Areas sufficient for the temporary off-street parking of at least one (1) vehicle shall be provided for mounts. The type and configuration of parking may be approved by the SPW.
- (B) Private Access: A copy shall be provided to the Village of Morton Zoning Officer of any road maintenance agreement for any site accessed by private easement.

13-1-20: **AIRCRAFT HAZARD:**

- (A) Airport Impact Zoning: For Tier Two or Tier Three applications, a statement certifying that, as proposed, the PWSF complies with the Peoria Regional Airport impact regulations shall be provided prior to special use permit approval.
- (B) FAA Acknowledgement: For Tier Two or Tier Three applications, the applicant shall provide acknowledgment from the FAA that the proposed PWSF does not exceed obstruction standards.

13-1-21: **REVIEW OF PERMIT:** Special use permits issued under the terms of this ordinance shall be reviewed by the Village of Morton Zoning Officer every five (5) years from the date of issuance for compliance with this ordinance and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities, are being violated.

13-1-22: INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS:

- (A) No new or existing PWSF shall interfere with public safety telecommunications. All applications for new PWSFs shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- (B) An intermodulation study shall also be submitted prior to the introduction of new services or new frequencies or changes in existing service. The Village of Morton shall be notified by the service provider at least ten (10) days prior to the introduction of new services or new frequencies or changes in existing service and allow the Village to monitor interference levels during the testing process for the intermodulation study.
- (C) The Village of Morton reserves the right to retain its own expert to study potential interference impacts. The cost of such an expert would be recovered under the provisions of Section 13-1-10 (B) of this ordinance.

13-1-23: CONFLICT; SEVERABILITY CLAUSE:

- (A) If any portion of this Code is found to be in conflict with any other provision of any zoning, building, fire safety, or other ordinance of the Village Municipal Code, the provision which establishes the higher standard shall prevail.
- (B) If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not been included.