



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0163

Introduced 1/16/2013, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12001.2 new

Amends the Counties Code. Provides that for every new wireless telecommunications facility in Lake County requiring a new tower structure, a telecommunications carrier shall provide the county with documentation consisting of the proposed location, a site plan, and an elevation that sufficiently describes a proposed wireless facility location. Sets forth procedures concerning the review of the proposal, meetings to propose alternative site locations, and the selection of any alternative locations. Sets forth exceptions to the approval process. Effective immediately.

LRB098 04212 OMW 34237 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section
5 5-12001.2 as follows:

6 (55 ILCS 5/5-12001.2 new)

7 Sec. 5-12001.2. Regulation of a telecommunications
8 facilities; Lake County.

9 In addition to any other requirements under this Division
10 concerning the regulation of telecommunications facilities,
11 the following applies to any new telecommunications facilities
12 in Lake County:

13 (a) For every new wireless telecommunications facility
14 requiring a new tower structure, a telecommunications carrier
15 shall provide the county with documentation consisting of the
16 proposed location, a site plan, and an elevation that
17 sufficiently describes a proposed wireless facility location.

18 (b) The county shall have 7 days to review the facility
19 proposal and contact the telecommunications carrier in writing
20 via e-mail or other written means as specified by the
21 telecommunications carrier. This written communication shall
22 either approve the proposed location or request a meeting to
23 review other possible alternative locations. If requested, the

1 meeting shall take place within 7 days after the date of the
2 written communication.

3 (c) At the meeting, the telecommunications carrier shall
4 provide the county documentation consisting of radio frequency
5 engineering criteria and a corresponding telecommunications
6 facility search ring map, together with documentation of the
7 carrier's efforts to site the proposed facility within the
8 telecommunications facility search ring.

9 (d) Within 21 days after receipt of the carrier's
10 documentation, the county shall propose either an alternative
11 site within the telecommunications facility search ring, or an
12 alternative site outside of the telecommunications search ring
13 that meets the radio frequency engineering criteria provided by
14 the telecommunications carrier and that will not materially
15 increase the construction budget beyond what was estimated on
16 the original carrier proposed site.

17 (e) If the county's proposed alternative site meets the
18 radio frequency engineering criteria provided by the
19 telecommunications carrier, and will not materially increase
20 the construction budget beyond what was estimated on the
21 original carrier proposed site, then the telecommunications
22 carrier shall agree to build the facility at the alternative
23 location, subject to the negotiation of a lease with
24 commercially reasonable terms and the obtainment of the
25 customary building permits.

26 (f) If the telecommunications carrier can demonstrate

1 that: (i) the county's proposed alternative site does not meet
2 the radio frequency engineering criteria, (ii) the county's
3 proposed alternative site will materially increase the
4 construction budget beyond what was estimated on the original
5 carrier proposed site, (iii) the county has failed to provide
6 an alternate site, or (iv) after a period of 90 days after
7 receipt of the alternative site the telecommunications carrier
8 has failed, after acting in good faith and with due diligence,
9 to obtain a lease or at a minimum, a letter of intent to lease
10 the alternative site at lease rates not materially greater than
11 the lease rate for the original proposed site; then the carrier
12 can proceed to permit and construct the site under the
13 provisions and standards of Section 5-12001.1 of this Code.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.