

## CHAPTER 5

### STREETS AND SIDEWALKS

#### 5.01 LOCATION

All streets, public alleys and thoroughfares in the City of Hickory Hills shall be the property of the city, under the control and management of the City Council, and no additional streets or alleys shall be created, and no existing streets or alleys shall be closed without the permission of the City Council.

#### 5.02 DEDICATION

When any plat is submitted to the City Council for approval or when any portion of land is to be dedicated the city for a public thoroughfare, such dedication or plat shall be accompanied by an instrument conveying full title to the city instead of easement rights, in the portion to become a public thoroughfare.

#### 5.03 WIDTH OF STREETS

(a) All streets in the city shall be 66 feet wide with the following exceptions:

1. 95th Street, Roberts Road and 88th Avenue shall be 100 feet wide.
2. 91st Street and 84th Avenue shall each be 80 feet wide.

3. Streets of different width may be permitted provided such width is approved by the City Council.

(b) The curb line for streets 66 feet wide shall be a distance of 19 feet from the middle of the street. The curb line for all other streets shall be set by the City Engineer.

#### 5.04 PARKWAYS

(a) The city hereby grants a revocable permission for each citizen to beautify the portion of land owned by the city and located between his premises and the adjoining curb line; providing, however, that no encumbrance other than bushes, grass, flowers, trees, and decorative rocks may be established thereon. Fences, fence posts, wires, and any other type of encumbrance is prohibited. Such permission shall include all other rights of possession exercisable against all but the representatives of the city acting in official capacity. An action for trespass may be brought by the adjoining owner with regard to such portion of land, exclusive of the area occupied by the public sidewalk.

(b) It shall be the duty of each person residing on property abutting on the streets to maintain the area between his lot line and the curb line free from weeds and other noxious herbage or matter. Any person notified by the Director of Public Works to remove such offensive matter from the area fronting upon his place of residence shall be fined not exceeding \$20 for each day such offense continues within 7 days after notification thereof.

#### 5.05 GRADE

Grade levels prevailing when this code is adopted shall be the official grades for all thoroughfares flanked by one or more houses. In any block where no houses are located, no grade level will be deemed to exist. Prior to erection of any edifice in any block where no grade level is established, the owner or contractor erecting such edifice shall make application to the City Council for the establishment of a grade level. The term "grade level" with regard to existing levels shall be understood to mean the crown of any thoroughfare currently maintained by the city, country or state.

## **5.06 NUMBERING BUILDINGS**

Each building in the city shall be designated by a number which number shall be visible in the front thereof and be of such size and clarity as to be easily read from the curb line of the street. A number shall be assigned to each building by the Building Commissioner and shall be determined in accordance with the numbering system currently prevailing in the City of Chicago, being an extension thereof. The owner of any house or building in the city shall post his number in accordance with the provisions of this section.

## **5.07 SUPERVISION**

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Director of Public Works. He shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances.

## **5.08 CONSTRUCTION OF STREETS**

(a) Permit. It shall be unlawful to block, construct, or do any work on any public streets, sidewalk, alley or other public way, or to repair the same, without a permit therefore. Application for such permit shall be made to the Department of Public Works, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work.

(b) Bond. Each applicant shall file a bond in the amount of not less than \$10,000 with surety to be approved by the City Council, conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

(c) Specifications. All streets and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the City Council.

## **5.09 CURB CONSTRUCTION**

All curbs shall be constructed with not less than a 6 bag cement mix and shall contain two 5/8 inch continuous steel rods throughout their length.

## **5.10 INJURY TO NEW PAVEMENTS**

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly laid pavement.

## **5.11 REPAIRS**

All public streets, alley and sidewalk pavement shall be kept in good repair. Such repair work, whether done by the city or by abutting owner, shall be under the supervision of the Director of Public Works.

## **5.12 DEFECTS**

It shall be the duty of every city officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Director of Public Works as soon as possible.

## **5.13 OBSTRUCTIONS**

It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the Director of Public Works.

#### **5.14 BARRICADES**

(a) Any person laying or repairing any pavement on a street, sidewalk or other public place, or making an excavation in any such place, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Such barricades shall be protected by lights at night time.

(b) Any defects in any such pavement shall be barricaded to prevent any such injury; and any person, properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights.

#### **5.15 DISTURBING BARRICADES**

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.

#### **5.16 SIGNS ON PAVEMENT**

No person shall write or mark any signs or advertisements on any pavement or any other part of any street or a appurtenance thereon.

#### **5.17 ENCROACHMENTS**

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

#### **5.18 INJURY**

No tractor, traction engine, motor truck or other similar vehicle shall be operated across, over or along any street in the city if any such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug, or any projection of metal or wood which projects radically beyond the tread of traffic surface of the tire; except that this prohibition shall not apply to tractors or traction engines equipped with what is known as crawler type tractors, when the same does not contain any projections of any kind likely to injure the surface of the road, nor to tractors, traction engines and similar vehicles which have upon their road wheels v-shaped, diagonal or other cleats arranged in such a manner as to be continuously in contact with the road surface. In no event shall the surface of any street be used as an area or space for turning any tractor or other farm machinery in carrying on or performing any farming operations upon the adjacent land. This section does not prohibit the operation of tractors, traction engines or motor trucks across any street in order to reach adjacent lands if the street is protected by putting down solid planks or other suitable devices to prevent such vehicle from injuring the surface of the street.

#### **5.19 DEPOSITS ON STREETS**

It shall be unlawful to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass, or any articles which may do injury to any person, animal or property.

#### **5.20 MERCHANDISE ON STREETS**

(a) It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display or sale of goods or merchandise.

(b) Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the walk is not thereby reduced to less than 4 feet; and provided that no such article shall remain on such walk for more than one-half hour.

**5.21 DRAINS**

It shall be unlawful to obstruct any drain in any public street or alley.

**5.22 POLES AND WIRES**

It shall be unlawful to erect or maintain any poles or wires on or over any public street, alley or other public way without permission from the City Council.

**5.23 EXCAVATIONS**

(a) It shall be unlawful to open cut, excavate, auger or tunnel in any public street, alley, sidewalk or other public place without a permit therefor. Applications for such permits shall be made to the Director of Public Works, and shall specify the intended location and purpose of the excavation.

(b) In each case the applicant shall agree to pay all of the cost of restoring such street, alley, sidewalk or other public place and the surface thereof to the condition that existed before the opening, excavation or tunnel was made. No such permit shall be issued until the applicant has deposited with the Director of Public Works the sum of \$1,000 for each such opening, excavation or tunnel, which such deposit shall be deposited by the applicant and used by the city for the purpose of paying the cost of restoring such street, alley, sidewalk or other public place and the surface thereof to the condition that existed before the opening, excavation or tunnel was made, provided that the applicant shall, in each case, do all necessary backfilling or cause the same to be done.

(c) In restoring such street, alley, sidewalk or other public place, the city may use its own employees and equipment and make reasonable charges therefor, or it may engage the services of other persons and equipment and charge the cost thereof to the applicant. Any balance of the deposit remaining after the deduction of such charges or costs shall be returned to the applicant, and any charges over the deposit, collected from said applicant. In case the applicant shall restore said street to its original condition the applicant shall be entitled to the return of his deposit after one year from the date of application or restoration, whichever is later; otherwise the deposit may be used as specified herein.

(d) No such permit shall be issued unless the applicant has on file with the city and in full force and effect a bond in the amount of not less than \$10,000 with surety to be approved by the city, conditioned to indemnify the city against any and all loss or liability resulting from the making of such opening, excavations, or tunnel.

(e) All such openings, excavations, tunnels, refills and resurfacing shall be made subject to the supervision of the Director of Public Works.

**5.24 GAMES/SKATEBOARDING**

It shall be unlawful to play any games upon any street or alley. It shall be unlawful for any person to skateboard upon any street or alley.

**5.25 OPENINGS**

It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the City Council. All such lawfully maintained openings shall be guarded by a suitable strong cover or a railing, to the approval of the Director of Public Works.

**5.26 BARBED WIRE FENCES**

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electric current, anywhere within 3 feet of any public street, sidewalk, alley, park or other public way or place.

## **5.27 DRIVEWAYS**

(a) Permit Required. No person shall construct a driveway on any private property or across any sidewalk, parkway, or street, without having obtained a permit therefor. Applications for such permits shall be made to the Building Commissioner and shall be accompanied by the fee required. The fee for a driveway permit shall be \$15.00 per driveway.

(b) Construction. All driveways shall be constructed with a paved surface such as Portland cement concrete or bituminous concrete. All driveways where built across the sidewalk area shall be Portland cement concrete walks. Stone driveways or other similar materials are not permitted. Any existing unpaved driveway shall be required to be paved when expanded or when a building permit is issued for a garage on the property.

(c) Permitted Width. No driveway may exceed 28 feet in width or 50% of the lot width, whichever is smaller, provided that in any event a driveway may be at least 20 feet in width.

(d) Materials. No driveways shall be so constructed as to prevent free and unobstructed passage on, over or across the same, or in such manner as to interfere with the proper drainage and safe grading of the streets. Gradual approaches to the regular sidewalk grade shall be made from the grade of the driveway. The slope of any driveway and the approaches thereto shall not exceed one inch vertical to one foot horizontal in any direction. When any driveway is to be constructed of brick, stone block or similar material that will not permit of a smooth, even surface without numerous joints, provisions for foot travel shall be made by constructing "crossings" or strips of concrete parallel to the street (lot) line across such driveways; the top of such strips of concrete shall be flush and even with the adjoining parts of the driveways; they shall not be less than 9 inches in depth, 18 inches wide and shall be spaced 36 inches apart from center to center in line with the sidewalk on said street. For walks 6 feet wide, two such crossings shall be provided and an additional crossing shall be provided for each 3 feet additional in the width of the walk. Variations in construction of walks to conform to existing conditions may be made when approved by the Director of Public Works.

(e) Repair. It shall be the duty of every person maintaining a driveway to keep the same in good repair and free from obstructions and openings.

(f) Bond. No permit for the construction of a commercial driveway, or driveway for the habitual use of the public or any use other than by the owner or occupant of the premises served, across any public sidewalk shall be issued, and no such driveway shall be maintained unless there is first filed with the Clerk a bond in the sum of \$2,500, with surety to be approved by the City Council conditioned to indemnify the municipality for any loss or damage resulting from the work undertaken or manner of doing same. In addition to the bond, each such person shall deposit with the Treasurer the cash sum of \$250 to guarantee to the city and to reimburse the city for water used, inspection fees, engineer's fees, damages incurred to streets or parkways, and permit fees; said sum may remain on deposit and be used by the person to guarantee construction of driveways under permits issued under this section. When the person certifies to the City Clerk that no other construction of driveways in the city is intended by him for a period of one year from date of last permit, the sum may be returned, subject to any deductions for the guarantee or reimbursement enumerated above. If the person has deposited the sum of \$250 under the sidewalk provisions of this chapter, then said sum need not be deposited again if the person agrees said deposit shall be applicable to driveways.

## **5.28 TREES AND SHRUBBERY**

(a) Poplar and Cottonwood Trees Prohibited. No person shall plant or cause to be planted in the city, any poplar or cottonwood trees as defined in this section. A poplar tree is defined as any of a genus of slender, quick-growing, salicaceous trees, also known as populus; a cottonwood tree is defined as a tree of the poplar group with a cottony comma investing the seeds, also known as populus balsamifera.

(b) Trimming. All trees kept, maintained, or cultivated in or near any of the streets or public places of the city, the branches of which extend over a sidewalk or street, shall be trimmed at least 7 feet above the ground so that the branches thereof will not interfere with persons using the walks or streets.

(c) Injury. It shall be unlawful to injure any trees or shrubs planted or growing in any public place, except by permission of the Director of Public Works.

(d) Advertisements or Notices. It shall be unlawful to attach any signs, advertisements or notices to any tree or shrub in any such public place.

(e) Dangerous Trees. Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the abutting premises or of the premises on which such tree grows or stands. The Director of Public Works may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

(f) Wires. It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council. Any person or company which maintains poles and wires in the streets, alleys or other public places, shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from trees and shrubs in such places so far as may be possible, and shall keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the Director of Public Works, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

(g) Gas Pipes. Any person or company maintaining any gas pipe shall keep such pipes free from leaks so that no injury shall be done thereby to any trees or shrubs.

(h) Repair. Sidewalks may be repaired at driveway crossings by the use of asphalt pavement materials, provided that the Building Commissioner approves the use and grade of said materials. In the event of sidewalk repairs, the Building Commissioner may waive or reduce permit fees and bond requirements for small repair jobs.

## **5.29 SIDEWALK CONSTRUCTION**

(a) Permit Required. No person shall build, rebuild, remove, repair or in any manner disturb any sidewalk without first having obtained a permit from the Building Commissioner specifying the work to be done. Any violation of the terms of such permit shall render the same null and void. The permit fee shall be 5 cents per square foot of surface of sidewalk to be constructed and all permit fees shall be paid and bonds filed and approved before any permit shall be issued.

It shall be the duty of police officers and the Director of Public Works to see to it that no such work shall be undertaken unless a permit therefor has been obtained.

(b) Violations. Except where sidewalks are to be laid in accordance with the provisions of special assessment or special taxation ordinances, it shall be unlawful for any person to construct, lay or rebuild any sidewalk on any portion of the public ways of the city otherwise than in compliance with the specifications hereinafter prescribed. Each day that such sidewalk shall remain so constructed, laid or rebuilt in violation of such specifications shall constitute a separate and distinct offense.

(c) Grade Surface. The grade for the sidewalks shall be established by the City Engineer. The grade and sub-grade for the sidewalks and the specifications of materials used and mode of preparation shall be set by the City Engineer.

(d) Depth and Specification of Concrete. All sidewalks shall be constructed of not less than a 6 bag cement mix and not less than 5 inches in thickness, except that all commercial and multiple dwelling driveway sidewalks shall be not less than 8 inches in thickness. All work on sidewalks shall be laid out in stones of uniform size, each having a surface of not less than 24 square feet nor more than 36 square feet.

(e) Expansion Joints. Expansion joints shall be provided for by leaving a space one-half inch wide between the walks and the curbs at street and alley returns and spaces one-half inch wide at intervals of 40 feet in the sidewalk proper.

(f) Markings on Sidewalk. Before the top or finishing of concrete walks has set, the contractor or person building the walk shall place in such walk in front of each lot or parcel of property a stamp or plate giving the name and address of the contractor or person building the walk and the year in which the work was done. The top of said plate or stamp which must not cover more than 54 square inches of surface, shall be flush and even with the top of the finished walk, and must be of a permanent character plainly stamped or firmly bedded in the concrete in such a manner that it cannot become loose or be easily removed or defaced.

Wherever one contractor or person has laid walks in front of three or more adjoining lots or parcels of property in one continuous stretch, one of the above name stamps placed in the walk at each end of said stretch of walk will be sufficient.

(g) Bond. Each applicant, other than an owner or occupant, shall file a bond with the City Clerk in the amount of \$2,500, with surety to be approved by the City Council conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same. In addition to the bond each person, other than an owner or occupant, shall deposit with the city Clerk the cash sum of \$250 to guarantee to the city and to reimburse the city for water used, inspection fees, engineer's fees, damage incurred to streets or parkways, and permit fees; said sum may remain on deposit and be used by said person to guarantee construction of sidewalks under permits issued under this section. When the person certifies to the City Clerk that no other construction of sidewalks in the city is intended by him, for a period of one year from date of last permit, the sum may be returned, subject to any deductions for the guarantee or reimbursement enumerated above. If the person has deposited the sum of \$250, under the driveway provisions of this chapter, then said sum need not be deposited again if the person agrees said deposit shall be applicable to sidewalks.

### **5.30 CULVERTS**

(a) No person shall construct a driveway across any parkway on an improved street in the city without installing a culvert under the driveway.

(b) The culvert shall be of 12 gauge galvanized material with beaded end and of a minimum size of 15 inches in diameter and at least 24 feet in length.

(c) In the event that topography of any particular tract of land is such that free flow of water through said culvert would be impaired by any of the regulations of this section, variation may be granted on the recommendation of the City Engineer provided the recommendation is approved by a resolution of the City Council.

### **5.31 INDEMNIFICATION FOR STREET CLOSURES**

Whenever the City of Hickory Hills shall close a county road within the city, the City of Hickory Hills shall indemnify, keep and save harmless the county, its agents, officials and employees, against all injuries, deaths, loss, damages, patent claims, which may in anyway accrue against the county in consequence of the granting by Cook County to the City of Hickory Hills permission to close a county highway, or which may in anywise result therefrom, whether or not it shall be alleged or determined that the act was caused through negligence or omission of the City of Hickory Hills or its employees, of the subcontractor or his employees, if any, or of the County of Cook or its employees, and the City of Hickory Hills shall, at its own expense, appear, defend and pay all charges of all attorneys and all costs and other expenses arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the county in any such action, the City of Hickory Hills shall, at its own expense, satisfy and discharge the same. The City of Hickory Hills expressly understands and agrees that any insurance protection required by Cook County shall in no way limit the responsibility to indemnify, keep and save harmless and defend the county as herein provided.

### **5.32 ADVERTISING BENCHES PROHIBITED**

(a) No person shall erect, place or maintain any advertising bench on any public property, including public right-of-way within the City.

(b) No person shall erect, place or maintain any advertising bench on any private property which does not advertise the activity or business located thereon.

(c) No person shall erect, place or maintain any advertising bench on any private property except as permitted by Chapter 28, Signs, of the Hickory Hills Municipal Code.

(d) Advertising bench means any bench or seat upon which is placed any advertising or message, but does not include a bus shelter.

### **5.33 BUS SHELTERS**

(a) No person shall erect, place or maintain any bus shelter on any public property, including public right-of-way within the City without having a valid permit issued by the City.

(b) The City may award a permit and enter into an agreement for the exclusive right to remove, construct, place and maintain bus shelters throughout the City at such locations as designated by the Building Commissioner for the convenience of patrons using public bus service.

### **5.34 CONDITIONS OF PERMIT**

The rental permit shall be granted upon the following conditions:

(a) Within fourteen (14) days of the end of each permit year, the permittee shall remove his advertising bench from the property of the City unless the permittee has obtained another advertising bench rental permit for the placement of the bench at its current location. In the event that the permittee fails to remove said bench within the fourteen (14) day period, the City may remove and store said bench and the permittee shall be responsible for the City's costs in removing and storing said bench.

(b) The permittee, upon the removal of an advertising bench, shall restore the property of the City to the same condition as when the bench was initially installed, ordinary wear and tear excepted.

(c) The permittee shall maintain the bench in good working order and in a safe and clean condition and keep the immediate area surrounding such bench free from litter and debris.



(d) The permittee shall save and hold the City harmless from any and all liability for any reason whatsoever occasioned upon the bench and shall furnish, at permittee's expense, such public liability, insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from the operation under the permit or in connection therewith and such policy shall name the City of Hickory Hills as an additional insured, shall be in an amount not less than one hundred thousand dollars (\$100,000.00) combined single limit for any injury to persons and damaged property, and shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the City and maintained before and during the installation of such benches.

(e) The permittee shall, with the payment of the permit fee and submittal of the application, deposit with the City a removal and restoration cash bond in an amount of \$50 per bench or a surety bond in an amount of \$200 per bench which is the amount estimated to be sufficient to cover the total cost of removing and storing each bench placed on public property hereunder plus the cost to restore each site. Such bond is to provide that if the permittee fails to remove and restore as required by subsections (a) and (c), the bond shall be payable to the City for such removal, storing and restoration.

(f) Rental permits shall be for a term ending December 31 of a year, and shall not be assignable.

(g) Each bench shall contain the name of the owner of said bench along with an emergency phone number for said owner.

(h) If at any time an advertising bench is found located on any public sidewalk, right-of-way or public way within the City, without a valid advertising bench rental permit for said location, the City shall notify the owner thereof, in writing, that said advertising bench must be removed. In the event that said advertising bench is not removed within seven (7) days of the date of the written notice to the owner thereof, the City may remove and store said advertising bench and the owner thereof shall be responsible for the City's costs in removing and storing said advertising bench.

### **5.35 REVOCATION OF PERMIT**

(a) Rental permits may be revoked by the Building Commissioner after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or any false statement contained in the application for such a permit.
2. Violation of any provision of ordinance regulating such rental permit;
3. Violation of the terms of the rental permit granted.

Notice of hearing for such a revocation shall be given in writing stating the grounds of the complaint together with the time and place of hearing and shall be mailed postage prepaid to the permittee at the address given in the rental permit application at least five (5) days prior to the date set for hearing.

(b) A person aggrieved by a decision of the Building Commissioner in revoking a rental permit shall have the right to appeal to the City Council. Such appeal shall be taken by filing a notice of appeal including a statement of the grounds for the appeal with the Building Commissioner within ten (10) days after notice of the decision by the Building Commissioner has been given. The City Council shall set the time and place for hearing such appeal and notice of such time and place shall be given in the same manner as specified hereinabove. The City Council shall have the power to reverse, affirm, or modify the decision of the Building Commissioner and any such decision made by the Building Commissioner shall be final. In the event that no appeal is taken from the City Administrator's decision to revoke a rental

permit, the owner of the bench for which the permit has been revoked shall have ten (10) days from the final date for filing an appeal in which to remove said bench from the City. In the event that an appeal is filed and the City Council upholds the decision of the Building Commissioner to revoke a rental permit, the owner of the bench for which the permit has been revoked shall have ten (10) days from the date of the City Council's decision in which to remove said bench from the City. In the event that the owner of the bench, in either of the above two (2) situations, fails to remove the bench as required, in the ten (10) day period, the City may remove and store said bench and the owner of said bench shall be responsible for the City's cost in removing and storing said bench.

### **5.36 ADVERTISING BENCHES ON PRIVATE PROPERTY**

Any advertising bench located on private property shall, for purposes of this Code, be considered an advertising sign subject to the rules, regulations, permit requirements and fees applicable to signs and advertising structures.

### **5.37 STANDARDS FOR THE CONSTRUCTION OF FACILITIES IN THE RIGHTS-OF-WAY**

See Ordinance No. 07-25.

### **5.38 STANDARDS FOR THE CONSTRUCTION OF PERSONAL WIRELESS TELECOMMUNICATION SERVICES AND FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

#### **(a) Definitions:**

*“Alternative Antenna Structure”* means an existing pole or other structure that can be used to support an antenna and is not a utility pole or a City owned infrastructure. Except as otherwise provided for by this Article, the requirements for an alternative antenna structure shall be those required in Section 5.37 of the Hickory Hills Municipal Code.

*“Antenna Structure”* means any structure designed to specifically support an antenna, and/or any appurtenance mounted on such a structure or antenna.

*“Applicant”* includes any person or entity submitting an application to install a “Personal Wireless Telecommunication Facility”.

*“Distributed Antenna System (DAS)”* means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area.

*“Landscape Screening”* means the installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of an antenna structure and/or ground mounted or an above ground service facility from public view.

*“Monopole”* means a structure composed of a single spire, pole or tower used to support antennas or related equipment.

*“Personal Wireless Telecommunications Facility”, “Wireless Services Facility”, or “Wireless Facility”* means a structure, antenna, pole tower, equipment, accessory equipment and related improvement used, or designed to be used, to provide wireless transmission of voice, data, images, or other information including, but not limited, cellular phone service, personal communication service, paging, and Wi-Fi service.

*“Small Cell Antennas”* means an antenna either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area.

“*Tower*” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. Except as otherwise provided for by this Section, the requirements for a tower and associated antenna facilities shall be those required in Section 5.37 of the Hickory Hills Municipal Code.

“*Utility Pole*” means an upright pole used to support electric cables, telephone cables, telecommunication cables and related facilities owned and maintained by a public utility as defined by the Illinois Commerce Commission.

“*Variation*” means a grant of relief by the City Council from specific limitations of this Section.

“*City Owned Infrastructure*” means infrastructure including, but not limited to, streetlights, traffic signals, towers or buildings owned, operated or maintained by the City.

“*Wi-Fi Antenna*” Means an antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

“*Wireless Facility Permit*” means a permit issued under this Section authorizing the installation, operation, and maintenance of a Personal Wireless Telecommunication Facility including, without limitations, Small Cell Antennas, Distributed Antenna Systems (DAS) and Wi-Fi antennas. Except as otherwise provided for in this Section, the procedures for the application, approval and revocation of a right-of-way permit shall be those provided for in Section 5.37 of the Hickory Hills Municipal Code.

**(b) Regulations and Standards**

1. Number Limitation – Unless authorized by the City Council, not more than one personal wireless telecommunication service antenna or antenna may be located on a single utility pole
2. Separation and Setback Requirements – Personal wireless telecommunication services antenna and related equipment may be attached to a utility pole that is located no closer than one hundred (100) feet to any residential building and no closer than one thousand (1,000) feet from any other personal wireless services antenna. A lesser setback may be allowed by the City Council as a variance to this Section when the applicant establishes that the lesser setback is necessary to close a significant gap in the applicant’s personal telecommunication service and the proposed facility is the least intrusive means to do so.
3. Co-Location – Unless otherwise authorized by the City Council as a variance for good cause shown, only one personal wireless telecommunication antenna shall be allowed on each pole for the use of a single personal wireless services operator. This subsection does not preclude or prohibit co-location of personal wireless services facilities on towers that meet the requirement as set forth in Section 5.37 of the Hickory Hills Municipal Code.
4. City Owned Infrastructure – No personal wireless telecommunication services antenna or equipment shall be mounted to City owned infrastructure including, but not limited to, streetlights, traffic signals, towers or buildings unless authorized by the City Council.
5. New Monopole – No new monopole or utility pole to support personal wireless telecommunication services antenna or equipment shall be installed within the corporate limits of the City unless authorized by a special use permit by the City Council.

6. Attachment to Utility Poles: Limitations – No such personal wireless telecommunication facility shall be attached to a utility pole unless all of the following conditions are satisfied:
- i. Surface Areas of Antenna – The personal wireless service antenna, including antenna panels, whip antennas or dish shaped antennas, shall not have a surface area of more than seven (7) square feet and no single dimension exceed seven (7) feet. Omnidirectional or whip antennas may not extend more than seven (7) feet, not including any pole extension.
  - ii. Size of Above Ground Personal Wireless Telecommunication Service Equipment – The total combined volume of all above ground equipment and appurtenances serving a personal wireless telecommunication antenna cannot exceed fifteen (15) cubic feet.
  - iii. Personal Wireless Telecommunication Services Equipment – The operator of a personal wireless telecommunication facility shall, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
  - iv. Personal Wireless Telecommunication Services Equipment Mounted at Grade – In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances to be installed at grade, screening shall be installed to minimize the visibility of the facility.
  - v. Height – A personal wireless telecommunication antenna shall not exceed more than thirty-five (35) feet above ground level. The top of the highest point of the support structure, and the combination of the height of the support structure and the antenna extension shall not exceed thirty-five (35) feet.
  - vi. Color – The personal wireless telecommunication antenna and related equipment and appurtenances shall be a color that blends with the pole on which it is mounted. Any wiring on the pole must be covered with an appropriate cover or cable shield.
  - vii. Antenna Panel Covering – Personal wireless telecommunication antenna shall include a radome, cap or other antenna panel covering or shield and shall be of a color that blends with the color of the pole on which it is mounted.
  - viii. Wiring and Cabling – Wires and cables connecting the antenna to the equipment and/or appurtenances shall be installed in accordance with the version of the electrical code adopted by the City and in force at the time of the installation of the facility. In no event shall any wiring and cabling serving the facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
  - ix. Grounding – The personal wireless telecommunication antenna and related equipment and appurtenances shall be grounded in accordance with the requirements of the most current edition of the electrical code adopted by the City and in force at the time of the installation of the facility.
  - x. Guy Wires – No guy or other support wires shall be used in connection with a personal wireless telecommunication facility unless the facility is proposed to be attached to an existing utility pole that incorporates guy wires prior to the date that an applicant has applied for a permit.

- xi. Pole Extensions – Extensions to utility poles utilized for the purpose of connecting an antenna and its appurtenances and cabling shall be fabricated from material similar to the support pole and have a degree strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with TIA/EIA Section 222-G standards. An extension shall be securely bound to the support pole in accordance with applicable engineering standards for the design and attachment of extensions to utility poles.
  - xii. Structural Integrity – The personal wireless telecommunication antenna, related equipment, appurtenances and supporting structure or pole shall be designed to withstand a wind force of at least ninety (90) miles per hour, which includes at least three quarter (3/4) of an inch of ice in accordance with TIA/EIA Section 222-G standards all without the use of guy wires. For any facility attached to City owned infrastructure or an alternative antenna structure, the operator of the facility shall provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation shall be prepared by a professional structural engineer licensed in the State of Illinois.
7. Signage – Other than signs required by federal law or regulations, a personal wireless telecommunication facility shall not have signs installed thereon.
  8. Screening – If screening is required, it shall be natural landscaping material or a fence subject to the approval of the City and shall comply with all regulations of the City. In lieu of the operator installing the screening, the City, at its sole discretion, may accept from the operator of the facility a fee of one thousand five hundred dollars (\$1,500) for the acquisition and installation of landscaping material by the City. Appropriate landscaping shall be located and maintained and shall provide the maximum achievable screening, as determined by the City, from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening, when permitted in the right-of-way, shall be provided with a clearance of three (3) feet in all directions from the facility. Alternatively, for a roof-mounted facility, the maximum reasonably achievable screening shall be provided between such facility and the view from adjoining properties and public or private streets.
  9. Permission to Use Utility Pole or Alternative Antenna Structure – The operator of a personal wireless telecommunication facility shall submit to the City copies of the approval from the owner of a utility pole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, or structure, prior to commencement of the installation. The utility company's approval shall also indicate that the occupation of the pole by the personal wireless telecommunication equipment will not limit the utility company's, or any other public utility currently utilizing the pole, ability to expand their facilities on the pole in the future. Approval by the utility company to allow the installation of a personal wireless communication facility shall also include a guarantee by the utility company that it will either cause the removal of abandoned equipment in accordance with this Section or remove the equipment themselves.
  10. License and permits – The operator of a personal wireless telecommunication facility shall submit to the City copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operations of said facility and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

11. Variance Requirements – Each location of a personal wireless telecommunication facility shall meet all of the requirements of this Section. Deviation from any one requirement subjects that particular location to the need for a variance before the installation can be approved. Variances to this Section are subject to review by the City Council and approval is solely at its discretion. The operator of a personal wireless telecommunication facility requesting the variance shall submit to the City evidence that the proposed facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so. The operator shall submit technical evidence or demonstrations of the unavailability of alternate sites, configurations and/or coverage analysis.
12. Abandonment and Removal – Any personal wireless telecommunication antenna and related equipment located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of the facility shall remove same within ninety (90) days or the City shall remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions provided by law to recover the cost.
13. Governmental Wireless Telecommunication Facilities – This Section shall not apply to wireless telecommunication facilities owned by the City or by other governmental bodies to an extent authorized by a special use permit.
14. Application Fees – Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Section shall be accompanied by a fee in the amount \$1,000. This application fee is to reimburse the City for regulatory and administrative costs with respect to the work being performed, which costs the City represents have been or will be incurred, and is not deemed to be compensation for the use of the rights-of-way as herein defined in this Section. No application fee is required to be paid by any telecommunication's retailer that is paying the simplified municipal telecommunications tax or by any electrical utility that is paying the municipal electricity infrastructure maintenance fee.
15. Indemnity – The Owner shall indemnify, defend and hold the City, its officers, agents, servants, employees, attorneys, consultants and independent contractors harmless from any and all liabilities, suits, obligations, fines, damages, penalties, claims, costs, charges and expenses (including, without limitation, reasonable attorneys' fees and costs), that may be imposed upon or incurred by or asserted against or arising out of the construction, operations, maintenance, repair or removal of the personal wireless telecommunication facility or otherwise arising out of or related to the personal wireless telecommunication facility.
16. The provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
17. Where the conditions imposed by any provision of this Section are less restrictive than comparable conditions imposed by the Hickory Hills Municipal Code, or any other statute, rule, or regulations of any kind, the regulations from this Section shall govern, to the extent the regulation is not preempted by State or federal law.

**(c) Determination of Sites**

1. Analysis of Installation Request – The City determines the location of all personal wireless telecommunication facilities. The City will not discriminate among telecommunications providers of functionally equivalent services or prohibit or have the effect of prohibiting the provisions of services by a telecommunications provider.

2. Limitation Based on Availability of Facilities – The City may reasonably limit the number of sites available at a particular time, or in a particular location, to a single telecommunications provider based on the current inventory of available sites and currently estimated total demand for sites.
3. Priority of Sites – For the purposes of careful administration, maintenance, allocation, and other aspects of small cell or similar facility siting, the City will apply the following priority schedule to small cell antenna facility sites:
  - i. City-owned utility poles in the following order of preference: within an arterial street right-of-way, within a parking lot or property related to an institutional use, within a collector street right-of-way.
  - ii. City-owned, cobra-style street light standards on arterial streets.
  - iii. Utility or railroad poles owned or maintained by ComEd or other public utilities or a railroad.
  - iv. Private utility poles.
4. Prohibited Locations – The following locations may not be used for small cell antenna sites:
  - I. A utility pole located in a public parkway abutting a front yard of a single family detached residence or a corner side yard of a single family detached residence except within three feet of the rear lot line.
  - II. A utility pole located in a rear yard (or abutting easement) of single family detached residence.
  - III. A newly installed utility pole.
5. Variance– The City Council may grant an exception to the priority of sites stated in (c)(3) or (c)(4) based upon the standards provided for in (b)(11).