



# City of Chicago



O2022-854

Office of the City Clerk

## Document Tracking Sheet

|                                 |   |
|---------------------------------|---|
| <b>Meeting Date:</b>            | 3/23/2022   |
| <b>Sponsor(s):</b>              | Sadlowski Garza (10)<br>O'Shea (19)   |
| <b>Type:</b>                    | Ordinance   |
| <b>Title:</b>                   | Amendment of Municipal Code Section 10-30-020 to further regulate permit requirements for installation or maintenance of telecommunications equipment on, over or under public ways |
| <b>Committee(s) Assignment:</b> | Committee on Workforce Development  |

Workforce

## **ORDINANCE**

**WHEREAS**, the City of Chicago finds that it is important, in the interest of public safety, to ensure that any construction, installation, alteration, maintenance, or repair work related to small wireless facilities, small cell technologies, and distributed antenna systems (referred to as "small cell work") performed on public property in the City of Chicago, including within the public right-of-way and on City-owned light poles, be performed safely and effectively by trained and qualified persons;

**WHEREAS**, the City of Chicago finds that it is in the public interest and economic well-being of the City of Chicago and its residents to encourage the employment of Chicago residents to perform small cell work performed on public property in the City of Chicago; and

**WHEREAS**, the purpose of this ordinance is to promote public safety by establishing minimum standards that must be satisfied by any person or entity seeking to perform small cell work on public property in the City of Chicago and to promote the economic well-being of the City and its residents by encouraging the employment of Chicago residents to perform this small cell work; now, therefore,

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 10-30-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and by deleting the language struck through, as follows:

#### **10-30-20 Permit required.**

(a) No telecommunications provider shall install or maintain any telecommunications equipment on, over or under the public way without first having obtained a telecommunications provider permit issued by the commissioner pursuant to this chapter, after consultation with the executive director.

(b) The commissioner shall deny the issuance of a permit under this chapter, or shall revoke any such permit, ~~only~~ if:

(1) the commissioner determines that the installation or maintenance of the telecommunications equipment would endanger public health or safety or otherwise inconvenience the public; or

(2) the commissioner determines that the telecommunications provider has not paid any applicable infrastructure maintenance fee or license fee; has not provided any security required pursuant to this chapter or regulations issued thereunder; has not complied with the requirements of subsections (c) or (d) of this section; has not complied with specifications prescribed under this chapter; or has otherwise failed to comply with the provisions of this Code, or any rules or regulations adopted pursuant thereto.

(c) In the interest or public safety, in order to qualify for a permit under this chapter, any person or entity applying for a permit must submit evidence of compliance with the following requirements:

(1) All individuals performing said work have successfully completed or are actively participating in an apprenticeship and training program for outside electrical work which is approved by and registered with (a) the United States Department of Labor Office of Apprenticeship, (b) a Standards Recognition Entity recognized by the United States Department of Labor for an Industry-Recognized Apprenticeship Program, or (c) a State Apprenticeship Agency, and which is applicable to any outside electrical work to be performed under the permit. Such evidence of completion or participation must be submitted on behalf of each and every entity whose employees or workers are to perform work under the permit.

(2) A statement of compliance with the Illinois Prevailing Wage Act and an agreement to pay not less than the general prevailing wage and fringe benefit rates for work of a similar character on public works in Cook County, as published by the Illinois Department of Labor, to all laborers, workers and mechanics performing any construction, installation, alteration, maintenance, or repair work under the permit.

(3) Each entity whose employees are to perform work under the permit shall give preference to City residents when hiring employees to perform said work. "City residents" means persons domiciled within the City of Chicago.

(d) Any contractors or subcontractors used, hired, or contracted by a telecommunications provider to perform any construction, installation, alteration, maintenance, or repair work under a permit issued under this chapter must comply with the requirements prescribed under this chapter, including specifically the requirements of subsection (c) of this section. The telecommunications provider must obtain an agreement in writing from any contractor or subcontractor agreeing to be bound by the requirements of this chapter and all other applicable rules and regulations.

(e) Any telecommunications provider or any contractor or subcontractor used, hired, or contracted by a telecommunications provider, found to be in violation of the requirements of subsection (c) or (d) of this section shall be subject to an automatic and immediate revocation of any and all permits issued to them under this chapter, and shall be thereafter prohibited from receiving any further permits under this chapter and from performing any construction, installation, alteration, maintenance, or repair work under a permit issued under this chapter for a period of four years. This prohibition on future permits and future work shall apply to the violating entity as well as any alter-ego entity and any entity which shares with the violating entity a substantial similarity in business, ownership, and employees.

**SECTION 2.** Upon passage and approval of this ordinance, the Commissioner of the Department of Transportation of the City of Chicago shall, in accordance with Section 10-30-050 of the Municipal Code of Chicago, establish rules and amend any existing rules as necessary in order to incorporate the new standards and requirements set forth in this ordinance.

**SECTION 3.** This ordinance shall take effect upon its passage and approval.

*Susan Sadlowski Garza*

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Susan Sadlowski Garza  
Alderwoman, 10<sup>th</sup> Ward  
Chairwoman, Committee on Workforce Development

The following legislation is being introduced by Alderwoman Susan Sadlowski Garza regarding An Ordinance Concerning the Regulation of Small Cell Installation in Chicago co-sponsored by

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Alderman Ward 1

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Alderman Ward 2

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Matt O'Shea

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Alderman Ward 19

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Alderman Ward 20

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Alderman Ward 22

The following legislation is being introduced by Alderwoman Susan Sadlowski Garza regarding An Ordinance Concerning the Regulation of Small Cell Installation in Chicago co-sponsored by

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Alderman Ward 44

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Alderman Ward 49

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Alderman Ward 50

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Mayor Lightfoot

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Clerk Valencia