



# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)

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**Ordinance No: 4347**

**File Number: 2008-0010**

AN ORDINANCE AMENDING ARTICLE 7 OF THE VILLAGE OF ORLAND PARK LAND DEVELOPMENT CODE ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

## VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 4th day of March, 2008 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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## Ordinance No: 4347

AN ORDINANCE AMENDING ARTICLE 7 OF THE VILLAGE OF ORLAND PARK LAND DEVELOPMENT CODE ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

WHEREAS, the Village of Orland Park (the "Village"), Cook and Will Counties, Illinois, is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and governing the use of public rights-of-way and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village uses the public rights-of-way within its corporate limits to provide essential public services to its residents and businesses, including traffic control signals, water, sanitary sewer and storm sewer; and

WHEREAS, other utility service providers, including electricity, telephone, natural gas and cable television and video service providers have placed, or from time to time may request to place, certain utility facilities in the public rights-of-way within the Village; and

WHEREAS, legislatures and regulatory agencies at the State and federal levels have implemented changes in the regulatory framework to enhance competition in the providing of various utility services; and

WHEREAS, the combination of legislative and regulatory changes and the development of new technologies has led additional service providers to seek opportunities to provide services in the Village; and

WHEREAS, these regulatory and technological changes have resulted in demands for access to and use of the public rights-of-way in the Village as service providers, particularly in the video and communications services, and in attempts to provide new or additional services to compete with incumbent service providers; and

WHEREAS, unlike prior deregulations of utility services in which incumbent service providers have been required to make their transmission and/or distribution systems available to competitors, video and communications services seeking to compete with incumbent service providers are seeking to install their own facilities for delivering competing video and communications services, thereby increasing the number of service providers seeking access to and use of the public rights-of-way in the Village; and

WHEREAS, the public rights-of-way within the Village are a limited public resource held in trust by the

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Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

WHEREAS, the corporate authorities of the Village find and determine that it is necessary to and in the best interests of the public health, safety and general welfare to establish uniform standards and regulations for access to and use of the public rights-of-way in the Village by utility service providers and other persons and entities that desire to place structures, facilities or equipment in the public rights-of-way, a true and correct copy is attached hereto and make a part hereof as EXHIBIT A so as to (i) prevent interference with the use of streets, sidewalks, alleys and other public ways and places by the Village and the general public, (ii) protect against visual and physical obstructions to vehicular and pedestrian traffic, (iii) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in public rights-of-way or property, (iv) protect against environmental damage, including damage to trees, from the installation of utility facilities, (v) preserve the character of the neighborhoods in which facilities are installed, (vi) prevent visual blight, and (vii) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations; and

WHEREAS, this Ordinance is enacted in the exercise of the Village's home rule powers, the Corporate Authorities having determined that the regulation of the use of the public rights-of-way in the Village is a matter pertaining to the affairs of the Village's as provided in VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, in addition to the Village's power as a home rule municipality, this Ordinance is adopted pursuant to the provisions of (i) the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq., including, without limitation, Sections 11-20-5, 11-20-10, 11-42-11, 11-42-11.2, 11-80-1, 11-80-3, 11-80-6, 11-80-7, 11-80-8, 11-80-10, and 11-80-13; (ii) Section 4 of the Telephone Company Act, 220 ILCS 65/4; (iii) the Illinois Highway Code, including, without limitation, Sections 7 and 9 thereof, 605 ILCS 5/1-101 et seq.; (iv) the Simplified Municipal Telecommunications Tax Act, 35 ILCS 636/1 et seq. and (v) the Cable and Video Competition Law of 2007, 220 ILCS 5/21-100 et seq.; and

WHEREAS, this Ordinance establishes generally applicable standards for construction on, over, above, along, upon, under, across, or within the public right-of-way, and for the use of and repair of the public right-of-way; and

WHEREAS, in the enactment of this ordinance, the Village has considered a variety of standards for construction on, over, above, along, under, across, or within, use of and repair of the public right-of-way, including, but not limited to, the standards relating to Accommodation of Utilities on Right-of-Way of the Illinois State Highway System promulgated by the Illinois Department of Transportation and found at 92 Ill. Adm. Code § 530.10 et seq.; and

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WHEREAS, the Village hereby finds that it is in the best interest of the Village, the public and the utilities using the public rights-of-way to establish a comprehensive set of construction standards and requirements to achieve various beneficial goals, including, without limitation, enhancing the planning of new utility facilities; minimizing interference with, and damage to, rights-of-way and the streets, sidewalks, and other structures and improvements located in, on, over and above the rights-of-way; and reducing costs and expenses to the public.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois as follows:

### Section 1

Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

### Section 2

Adoption. Article 7 of the Land Development Code of the Village of Orland Park shall be amended by adding thereto Section 7-102 which a true and correct copy is attached hereto and made a part of hereof as EXHIBIT A.

### Section 3

Effective Date. This Ordinance shall take effect ten (10) days after its passage, and publication in pamphlet form.

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PASSED this 3rd day of March, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**

**Aye:** 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,  
Trustee Gira, and Village President McLaughlin

**Nay:** 0

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DEPOSITED in my office this 3rd day of March, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**

APPROVED this 3rd day of March, 2008

/s/ Daniel J. McLaughlin

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**Daniel J. McLaughlin, Village President**

PUBLISHED this 4th day of March, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**