

CHAPTER 41. TELECOMMUNICATIONS ANTENNAE
AND SUPPORTING TOWERS

41.01 Short Title: This Code shall be known as the Telecommunications Tower and Equipment Code of the Village of Pesotum, Illinois and may be so cited and pleaded and shall be referred to in this Chapter as the Code.

41.02 Purpose: The primary intent of this Code is to regulate telecommunications towers and equipment to be located within the Village of Pesotum. Therefore the purpose of this Code shall be to:

41.02.01 Comply with all federal and state regulations regarding the placement, use and maintenance of telecommunications towers and equipment.

41.02.02 Encourage the continued improvement of wireless telecommunications service in the Village.

41.02.03 Minimize, to the extent permitted by law, the proliferation of unsightly towers and equipment throughout the Village.

41.02.04 Promote both property maintenance and renovation of telecommunications equipment.

41.02.05 Encourage the use of collocation of telecommunications towers by multiple providers so as to reduce the number of towers needed within the Village of Pesotum.

41.02.06 Ensure that these regulations are compatible with the zoning regulations.

41.02.07 Recognize the commercial communication requirements of all sectors of the business and residential community

41.03 Definitions: The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

41.03.01 Antenna: Structure or device not exceeding 20 feet in height which is used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to, directional antennas, such as panels, rods, discs, microwave dishes, and satellite dishes and omnidirectional antennas, such as whip antennas.

41.03.02 Attached Wireless Communication Facility (Attached WCF): An Attached WCF is an antenna that is attached to an existing building or structure, which structure(s) shall include but not be limited to, utility poles, signs, water towers, with any accompanying pole or device which attaches the Antenna to the existing building or structure and associated connection cables, and an accessory building which may be located either inside or outside of the Attachment Structure.

41.03.03 Collocation/Site Sharing: Collocation/Site Sharing shall mean use of a common WCF 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 a WCF on a structure owned or operated by a utility or other public entity.

41.03.04 Commercial wireless telecommunication services: Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

41.03.05 Support Structure: A Support Structure is a structure designed and constructed specifically to support an Antenna, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device which is used to attach an Attached WCF to an existing building or structure shall be excluded from the definition of Support Structure.

41.03.06 Tower: Any ground or roof-mounted pole, spire, antenna, structure, or combination thereof, taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

41.03.07 Tower, Multi-User: A tower to which are attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

41.03.08 Tower, Single-User: A tower to which is attached only the antenna(s) of a single- user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code.

41.03.09 Tower Use Permit (TUP): A permit issued by the Village of Pesotum specifically for the location, construction and use of a Wireless Communication Facility subject to an approved site plan and any special conditions determined by the applicable Village authority to be appropriate under the provision of this Code.

41.03.10 Wireless Communications: Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including personal communication services (PCS), specialized mobile radio (SMR) enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

41.03.11 Wireless Communication Facility (WCF): A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of Antenna connection cables, an accessory building, and a Support Structure to achieve the necessary elevation.

41.04 Collocation Requirements: All commercial wireless telecommunication towers erected, constructed, or located within the Village of Pesotum shall comply with the following requirements:

41.04.01 A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Village Board of Trustees finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or previously approved tower or building, particularly

on publicly owned land within the Village due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of all existing or approved towers or buildings, as documented by a qualified and licensed professional engineer, and all of the existing or approved towers cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
- B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at a tower or building as documented by a qualified and licensed professional engineer and interference cannot be prevented at a reasonable cost.
- C. Existing or approved towers and buildings within the Village cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- D. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- E. Other reasonably unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon existing or approved tower or building.

41.04.02 Any proposed commercial wireless telecommunication service tower shall be engineered, designed and constructed, structurally, electrically, and in all respects to accommodate and share both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height, or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept and allow normal work in operation of antennas mounted at varying heights.

41.04.03 All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonable market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a TUP (Tower Use Permit). A TUP shall not be issued unless the applicant complies with the collocation requirements set forth in this Code. A TUP shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons to avoid or prohibit collocation. All Wireless Communication Facilities with support structure up to a height of 100 feet shall be engineered and constructed to accommodate at least three-(3) antenna array. All Wireless Communication Facilities with support structures up

to a height of more than 125 feet, if such are permitted, shall be engineered and constructed to accommodate at least four-(4) antenna array.

41.04.04 The following sites shall be considered as the preferred order of priority for the location of wireless facilities, including antenna(s), equipment, and accessory buildings. As determined feasible, and in order of preference, the sites are:

- A. Existing broadcast, relay towers and water tanks, rooftops and attachments to existing structures.
- B. Public Structures and sites: Attached to existing public facilities such as utility properties, fire stations, parks, and other public assets within non-residential zoning districts.
- C. Agricultural Zones.
- D. Commercial Zones.
- E. Residential Zones.

41.05 Tower Construction Requirements:

41.05.01 Permits:

- A. It shall be unlawful for any person, firm, or corporation to erect, construct in a place or re-erect, replace any tower without first making application to the Village and securing a permit therefore as herein provided.
- B. The applicant shall provide at the time of application sufficient information to indicate that construction, installation and maintenance of the antenna and tower will not create a safety hazard, damage to or interference with the property of other persons.
- C. The applicant shall provide written certification from a licensed engineer that the provision of commercial wireless communication services would be prohibited unless a tower is constructed at or near the location requested.

41.05.02 Fee: The applicant shall pay a building permit fee in the amount of \$500.00.

41.05.03 Construction Requirements: All antennas and towers erected, constructed, or modified within the Village of Pesotum, and all wiring therefore, shall comply with the following requirements:

- A. All applicable provisions of the Village of Pesotum Municipal Code.
- B. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association / Telecommunications Industries Association (EIA / TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antennas, Towers and Antenna Support

Structures” (or equivalent), as it may be updated and amended from time to time. Each Support Structure shall be capable of supporting multiple antenna arrays. The tower shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the National Building Code (BOCA) and the Electronics Industry Association.

C. With the exception of necessary electric and telephone service connection lines, no part of any antenna or tower, nor any lines, cable, equipment or wires or braces in connection with ether, shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.

D. Towers and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

E. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower and antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points unless buried underground.

F. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

G. All towers shall be constructed to conform with the requirements of the United States Occupational Safety and Health Administration, or any successor department, bureau or entity.

H. Antennas and towers shall not be erected in violation of the following restrictions:

(i.) Notwithstanding the general provisions of this Code and the applicable provisions of Chapter 30 (Building Code), 35 (Subdivisions) and 40 (Zoning), the required setback for an antenna or tower attached directly to the ground, shall be equal to one-half the height of the antenna and tower. Those antennas and towers attached to a building and whose base is not on the ground may be constructed, if setback a distance equal to one-half the height of the tower, less the distance from the point of attachment on the building to the ground.

(ii.) A tower shall not exceed a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, which serves more than one dwelling or place of business. Those antennas and towers attached to a building, and whose base is not on the ground, shall not exceed a height equal to the distance from the point of attachment to the top of tower to the nearest overhead electrical power line which serves more than one dwelling or place of business.

(iii.) Metal towers shall be constructed of, or treated with, corrosion resistant material. Wood poles shall be impregnated with rot-resistant substances.

(iv.) The applicant will provide a written statement from a licensed engineer certifying that the applicant will be prohibited from providing commercial wireless telecommunication services unless a tower is constructed in a residential zoning district.

(v.) The applicant must request approval of a Special Use from the Village of Pesotum, Board of Trustees, for placement of a tower in a residential zoning district or at any site where the tower is situated within 2,500 feet or less from any residential district.

(vi.) For municipal properties, attached WCF's and new support structures should be allowable with approved building permit and necessary agreements.

41.05.04 Existing Antennas and Towers: Antenna and towers in existence as of August 1, 1997 which do not conform to or comply with this Code are subject to the following provisions:

A. Towers may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respects with this Code.

B. If such towers are hereafter damaged or destroyed, due to any reason or cause whatsoever, the tower 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 tower to the former use, physical dimensions, and location would be 10% or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored, except in full compliance with this Code.

41.06 Tower and Antenna Design Requirements: Proposed or modified towers and antennas in all zoning districts shall meet the following design requirements:

41.06.01 Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities, such as the Federal Aviation Administration. For the purpose of this subsection, camouflaging architectural treatment shall consist of disguising the applicable tower as an object which would otherwise be fully consistent with the surrounding area, such as a tree, church steeple, or building spire, as appropriate. The camouflaging shall, disguise the existence of the tower, while retaining the natural or improved, appearance of the surrounding area, to the maximum extent possible.

41.06.02 Commercial wireless telecommunication service towers shall be of a monopole design unless the Village Board of Trustees determines that an alternative design would better blend into the surrounding environment.

41.07 Tower Setbacks: Towers shall conform with the following minimum setback requirement.

41.07.01 Towers shall meet the setback requirements of buildings found in the underlying zoning district unless otherwise specified herein.

41.07.02 Residential Zoning Districts: Towers shall meet the setback requirements provided in Section 41.05.03 H.

41.07.03

A. Attached WCF's are exempt from any setback standards beyond those of the structure upon which WCF is attached. An Attached WCF Antenna may extend up to five feet horizontally beyond the edge of the Attachment Structure so long as the Antenna does not encroach upon an adjoining parcel.

B. Minimum setback for WCF's with support shall be as follows:

<u>Agricultural or Industrial Zone</u>	<u>20 feet front</u> <u>10 feet side</u> <u>10 feet rear</u>
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<u>Commercial Zone</u>	<u>25 feet front</u> <u>15 feet side</u> <u>15 feet rear</u>
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<u>Residential Zone</u>	<u>See Section 41.05.03 H</u>
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41.08 Tower Height: Towers placed within any residential district shall not exceed seventy-five (75) feet in height from existing grade. Towers placed within any Agricultural or Industrial or Commercial Districts shall not exceed one hundred (100) feet in height from existing grade or if attached to an existing building one hundred twenty-five (125) feet less the distance from the existing grade to the point of attachment.

A variation to this height requirement may be granted by the Zoning Board of Appeals after receiving an application therefore and holding a public hearing at a regularly scheduled meeting. A variation from the height requirement in this Section shall be granted by the Zoning Board of Appeals only if the applicant establishes by clear and convincing evidence that it will be unable to provide wireless communication services without such a variation. Under no circumstances shall a tower be erected to a height greater than that required to provide wireless communication services.

41.09 Tower Lighting: Towers shall not be illuminated by artificial means and shall not display any strobe or flashing lights unless such lighting is required by the Federal Aviation administration or other federal or state authority for a particular tower.

41.10 Advertising Fences for Towers: Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height. All fencing shall meet the requirements of otherwise applicable sections of the Village of Pesotum Building or Zoning Code. Security features may be incorporated into the buffer and

landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.

41.11 Signs and Advertising: Signs no larger than six (6) square feet may display warning or equipment information and may be placed on towers. All other signs, including signs used for advertising purposes, are prohibited.

41.12 Accessory Utility Buildings: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment. Furthermore, such buildings shall meet minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation and/or landscaping, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area, in which case, such non vegetative, screening shall be utilized.

41.13 Abandoned or Unused Towers or Portions of Towers: Abandoned or unused towers or portions of towers shall be removed as follows:

41.13.01 All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed in a timely manner as provided herein, the tower and associated facilities may be removed by the Village and the cost of removal assessed as a lien on the premises or against a bond or other financial security provided for herein.

41.13.02 Unused portions of towers above utilized communications or other electrical equipment shall be removed within six (6) months or more after the time of antenna relocation upon a written request issued by the Village. The replacement of portions of a tower previously removed requires the issuance of a new building permit and special use permit as applicable.

41.14 Interference with Public Safety Telecommunications: New or existing telecommunication service shall not interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new services or changes in existing service, telecommunication providers shall notify the Village at least ten (10) calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process.

41.15 Application Materials: All development applications for towers shall include written documentation evidencing compliance with each provision of this Code as well as the applicable building zoning regulations in addition to the following supplemental information:

41.15.01 A report from a qualified and licensed professional engineer which:

A. Describes the tower height and design, including a cross section in elevation;

B. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation between antennas that it can accommodate;

- C. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
- D. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
- E. Includes an engineer's qualifications, stamp and registration number; and
- F. Includes other information necessary to evaluate the request.

41.15.02 Architectural drawings depicting the constructed tower with camouflaging treatment set in the surrounding area. These drawings shall include at least one perspective from the North, South, East, and West.

41.15.03 An overhead map of the site showing a one-mile radius of the subject tower's location, as well as the location of each of the applicant's existing and planned future tower sites, if any.

41.15.04 For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and successor(s) to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

41.15.05 Before the issuance of a building permit, the following supplemental information shall be provided:

- A. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration;
- B. Proof that the proposed tower complies with the regulations and standards, including without limitation, emission standards, promulgated by the Federal Communications Commission, ANSI and IEEE;
- C. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforesaid structural and electrical standards;
- D. Proof of technological evidence which indicates that the height of the tower requested is the minimum necessary to fulfill the cell site's function; and
- E. Proof of bond or financial security sufficient to provide for cost of removal in the case of abandonment as described within this Code.

41.16 Approval Process:

41.16.01 Application Submission: All requests for a Tower Use Permit, regardless of Wireless Communication Facility type shall submit an application in accordance with the requirements of this section.

A. Application Contents. Each applicant requesting a TUP under this Code shall submit a sealed complete set of drawings prepared by a licensed architect and engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing, and, if relevant as determined by the Village, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a radio frequency intermodulation study with their application.

B. Submission requirements. Application for a TUP shall be submitted to the Village of Pesotum. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If Zoning Board review is required, the application and site plan shall be placed on the next available Board agenda in accordance with the agenda deadlines established by it.

C. Application Fees. A plan review fee of \$500 and a radio frequency intermodulation study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the Village to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).

D. Technical Assistance. In the course of its consideration of an application, the Village of Pesotum, Zoning Board of Appeals, or Board of Trustees may deem it necessary, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the Village in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Village not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.

41.16.02 Administrative Review: The following administrative review process shall apply to all wireless communications facility applications eligible for administrative review.

A. Review Authority: Review of wireless communication facilities under this Section shall be conducted by the Zoning Board of Appeals or its designee upon filing a wireless communication facility application.

B. Review Criteria: Each application shall be reviewed for compliance with criteria specified herein.

C. Timing of Decision: The Zoning Board of Appeals shall render a decision on the wireless communication facility application by written response to the applicant within forty-five (45) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. A deferral may be ordered as provided hereafter. Any application

that is not reviewed within forty (45) business days shall be submitted to the Board of Trustees for review, unless deferred.

D. Deferral: The chairperson of the Zoning Board of Appeals may defer administrative consideration of wireless communication facilities for any reason, but such deferral shall not exceed a further sixty (60) days without cause shown.

E. Application Denial: If administrative approval is not obtained or is denied due to noncompliance with the criteria, the applicant may appeal the denial to the Board of Trustees.

F. Application Approval: If the TUP application is in compliance with criteria and otherwise meets the requirements of the Code, the Zoning Board shall issue a Tower Use Permit.

41.16.03 Board of Trustees Review: The following process shall apply to all Tower Use Permit application requiring submission to the Board of Trustees.

A. Review Authority: The Board of Trustees shall be the review authority for TUP applications.

B. Notice: Notice of the application and the public hearing by the Board of Trustees shall be accomplished in the same manner as a Special Board meeting.

C. Hearing: The Board of Trustees shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Board of Trustees shall consider the following in reaching a decision.

(i.) Development Criteria: The Tower Use Permit application shall be reviewed for compliance with the criteria set forth in this Code; provided that the applicable criteria may be amended or waived so long as the approval of the wireless communication facility meets the goals and purposes of the Code. The Board of Trustees may recommend an alternative development criteria by specific inclusion in a motion for approval.

(ii.) Tower Siting Conditions: The Board of Trustees may impose terms, conditions and restrictions on the application or on the premises benefited by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this Code. The violation of any term, condition or restriction is deemed material and shall be grounds for revocation of the TUP. The Board of Trustees may recommend such terms, conditions and restrictions in addition to the criteria upon the following findings:

a.) The wireless communication facility would result in a significant adverse visual impact on nearby residences.

b.) The conditions are based upon the purpose and goals of this Code.

c.) The conditions are reasonable and capable of being accomplished.

(iii.) Action: Following the public hearing and presentation of evidence, the Board of Trustees shall take one of the following actions:

a.) Recommend the application as submitted;

b.) Recommended the application with terms, conditions or modifications;

c.) Defer the application for additional information or neighborhood input; or

d.) Deny the application in writing.

D. Findings: All decisions rendered by the Board of Trustees concerning a Tower Use Permit shall be supported by written findings of a fact and conclusions of law based upon substantial evidence of record.

E. Timing of Decision: The Board of Trustees shall render its decision within sixty (60) days or less of the final submission of all required application documents, technical review, and the hearing, if any. However, this time may be increased due to deferrals by either the applicant or the Board of Trustees.

41.17 Amateur Radio Exclusion: This Code shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the Zoning Code.

41.18 Revocation of Tower Use Permits: Any Tower Use Permit issued pursuant to this Code may be revoked after a hearing as provided hereinafter. If the president of the Board of the Trustees finds that any permit holder has violated any provision of this Code, or has failed to make good faith reasonable efforts to provide or seek collocation, he or she shall notify the permit holder in writing that the TUP is revocable due to the permit holder's non-compliance with the conditions of the permit and the President shall convene a meeting with the permit holder no later than 30 days from the date of the letter. The President of the Board of Trustees may require the permit holder to correct the violation within a reasonable amount of time or the Chairperson of the Board may recommend to the Board Trustees that the Tower Use Permit be revoked. Prior to initiation of revocation proceedings, the Village shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the Village with evidence that the required corrective action has been taken. In the event that the permit holder fails to correct any deficiencies in the time required, the President and Board of Trustees shall convene a

public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the Village of Pesotum not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The President and Board and Trustees may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense. After the public hearing, the President and Board of Trustees may revoke the Tower Use Permit (TUP) upon such terms and conditions, if any, that the President and Board of Trustees may determine.

41.19 Conflict and Severability:

41.19.01 Conflict: This Code is in addition to all other ordinances on the subject and shall be construed therewith except that part in conflict with the terms or applications of the ordinances shall be governed as set forth hereinafter. 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 Code of the Village of Pesotum, the provision, which establishes the higher standard, shall prevail.

41.19.02 Severability: If any section, subsection, sentence, clause or phrase of this Code or its application to any person, entity or circumstance is held invalid by the decision of any court or administrative tribunal of competent jurisdiction, the remainder of this Code, or the application of any provision to other persons, entities or circumstances is and shall remain in full force and effect.

41.20 Penalty: The fine or penalty for violating any provisions of this Code shall, upon conviction in the circuit court, not exceed five-hundred dollars (\$500.00) for any one specified offense or violation, provided that, if an act, omission or condition prohibited or rendered unlawful is, in its nature continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this Code may not exceed five-hundred dollars (\$500.00) for each day of such unlawful continuation.

41.21 Effective Date: This ordinance shall be in full force and effect ten (10) days from and after its passage and approval in the manner provided by law.

(adopted 00-3)	(amended 00-6)
9/6/00	41.05.03H.(v.),
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	41.13.02 and
	41.15.01 only
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