

**ORDINANCE NO. 2019- 18**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2019-09 TO CORRECT A SCRIVENER'S ERROR FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of 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 to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, previously, the Village President (the "President") and the Board of Trustees (the "Board") (collectively, the "Corporate Authorities") approved Ordinance Number 2019-09 ("Ordinance No. 2019-09") regarding the regulation and licensing of small cell facilities in the Village; and

**WHEREAS**, certain scrivener's errors were made in Ordinance No. 2019-09, specifically in Section 86-333(l) where an incorrect cross-reference was made (the "Scrivener's Error"); and

**WHEREAS**, after due investigation, inquiry and consideration by, among others, the Corporate Authorities and the Village Attorney (the "Attorney"), the Corporate Authorities desire to amend Ordinance No. 2019-09 to correct the Scrivener's Error; and

**WHEREAS**, based upon the above, Corporate Authorities have determined that it is necessary, advisable and in the best interest of the Village and its residents to amend Ordinance No. 2019-09 as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Ordinance No. 2019-09 to correct the Scrivener's Error to ensure that the correct cross-reference is made in Section 86-333(l).

**ARTICLE II.  
AMENDMENT TO ORDINANCE NO. 2019-09**

**SECTION 3.00 AMENDMENT TO ORDINANCE NO. 2019-09.**

That Ordinance No. 2019-09, specifically Section 86-333(l) is hereby amended as follows:

**Sec. 86-333. Collocation Requirements and Conditions.**

- (l) *Height Exceptions or Variances.* If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a special use permit or variance in conformance with procedures, terms and conditions set forth in Section 12 of Appendix A (Zoning) of the Village of Stickney Code of Ordinances (the "Village Code") and any other applicable provisions of the Village Code or relevant law.

### **SECTION 3.1. OTHER ACTIONS AUTHORIZED.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

## **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

### **SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

### **SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

### **SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

### **SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

### **SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect immediately upon passage, approval and publication, as provided by law.

PASSED this 5<sup>th</sup> day of November, 2019.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

NAYS: None

ABSENT: Trustee Torres

ABSTENTION:

APPROVED by me this 5<sup>th</sup> day of November, 2019.

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Jeff Walik, President

ATTESTED AND FILED in my  
office this 6<sup>th</sup> day of November, 2019.

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Beth Lukas, Deputy Village Clerk