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Sec. 22.5-24. Radio frequency emissions.

The provisions of this section apply to every person that is required to register with the city under this ordinance and that provides telecommunications service within the city by use of facilities that emit radio frequencies that are subject to emissions standards set by the Federal Communications Commission.

(1) No person subject to this section shall operate any facility in such a way as to subject any area within the City of Urbana to radio frequency emissions that do not comply fully with the radio frequency emissions standards set by the Federal Communications Commission or other governing federal agency.

(2) Certification by providers and carriers.

a. Every person subject to this section shall furnish certification in the form of an affidavit that each of its facilities emitting such radio frequencies has been tested for compliance with the standards governing radio frequency emissions, as set by the Federal Communications Commission or any other state or federal agency with regulatory jurisdiction regarding radio frequency emissions, and is being operated in compliance with those standards. The affidavit shall be signed by an engineer who is qualified under appropriate licensing by the State of Illinois to perform such testing.

b. Original certification shall occur on the later of:

1. Thirty (30) days after a facility becomes operational, or
2. Ninety (90) days after the adoption of this ordinance.

c. Thereafter, annual certification of re-testing and compliance shall occur on or at any time thirty (30) days prior to the first day of June.

(3) Testing by the city.

a. The city may require testing, to monitor compliance with the appropriate radio frequency emissions standards, under the supervision of a consultant to be designated by the city. Every person subject to this section shall fully cooperate with the city in performing the testing, and shall provide access to such facilities, materials, records, and documents reasonably required for the proper and accurate completion of such testing.

b. Expenses of testing by the city.

1. In the event that a test shows compliance with all appropriate radio frequency emissions standards, the costs of the test and fees for the consultant shall be borne by the city.

2. In the event that a test shows noncompliance with any appropriate radio frequency emissions standard, the costs of the test and fees for the consultants shall be borne by the telecommunications

provider or carrier. In addition, the provider or carrier shall pay the costs and consultant fees for a follow-up test and certification conducted under the supervision of a consultant to be designated by the city after cure of the conditions causing the noncompliance.

(4) Notice and requirement to cure.

a. In the event that a test shows noncompliance with any appropriate radio frequency emissions standard, the city shall give notice of the noncompliance to the telecommunications provider or carrier by certified mail.

b. The provider or carrier shall have fourteen (14) days from the date of receiving the mailing to correct the conditions causing the noncompliance. Upon re-testing at the end of the 14-day period, if the facility remains noncompliant, the facility may not be operated:

1. Until further measures have been taken to correct the conditions causing noncompliance and further testing and certification demonstrating compliance has been conducted pursuant to paragraph (3)b.2. of this section; and

2. Until the city has received payment from the provider or carrier for all expenses and consultant's fees related to testing and certification that are required to be paid by the provider or carrier.

(5) Nothing in this provision shall be construed to foreclose or limit the city from pursuing any other lawful avenue for violation of the requirements of compliance with the radio frequency emissions standards. Such other avenues include, but are not limited to, prosecution for violation of this ordinance, and pursuit of further remedies and sanctions with the Federal Communications Commission or any other state or federal agency with regulatory jurisdiction regarding radio frequency emissions.

(Ord. No. 9798-45, § 1(2.004), 9-15-97)

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