



Ohio Revised Code

Section 4939.031 Small cell facilities and wireless support structures; Requests for consent from micro wireless facilities.

Effective: August 1, 2018

Legislation: House Bill 478 - 132nd General Assembly

(A) Subject to section 4939.0314 of the Revised Code and approval of an application under this section, an operator may, as a permitted use not subject to zoning review or approval, collocate a small cell facility and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the public way. An operator shall comply with generally applicable standards that are consistent with this chapter and adopted by a municipal corporation for construction and public safety in a public way. All structures and facilities shall be constructed and maintained so as not to impede or impair public safety or the legal use of the public way by the municipal corporation, the traveling public, or other public utilities.

(B) A municipal corporation, not later than ninety days after the date of filing by an entity of a completed request for consent under divisions (B)(1) and (2) of this section or one hundred twenty days under division (B)(3) of this section to be done in a public way, shall, subject to this chapter, grant or deny its consent to:

(1) Collocate small cell facilities on a wireless support structure;

(2) Replace or modify a small cell facility on a wireless support structure, if consent is required under this section;

(3) Construct, modify, or replace a wireless support structure associated with a small cell facility.

(C) If a municipal corporation fails to approve or deny a request for consent under this section or a request for a relevant work permit within the required time period, provided the time period is not tolled under section 4939.036 of the Revised Code, the request shall be deemed granted upon the requesting entity providing notice to the municipal corporation that the time period for acting on the request has lapsed.



(D) Except as provided in division (B) of section 4939.0311 of the Revised Code, this chapter, and any franchise, pole attachment, or other agreements between a municipal corporation and a cable operator or public utility, a municipal corporation shall not require any zoning or other approval, consent, permit, certificate, or condition for the construction, replacement, location, attachment, or operation of a small cell facility in the public way, or otherwise prohibit or restrain the activities as described in this section.

(E) For purposes of submitting a request for municipal corporation consent under this section, "operator" also includes any person that, at the time of filing the request, provides the municipal corporation the person's written authorization to perform the specific work for which consent has been requested on behalf of an operator.