



## Ohio Revised Code Section 4939.02 State policy.

Effective: August 1, 2018

Legislation: House Bill 478 - 132nd General Assembly

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(A) It is the public policy of this state to do all of the following:

- (1) Promote the public health, safety, and welfare regarding access to and the occupancy or use of public ways, to protect public and private property, and to promote economic development in this state;
- (2) Promote the availability of a wide range of utility, communication, and other services to residents of this state at reasonable costs, including the rapid implementation of new technologies and innovative services;
- (3) Promote the rapid deployment of small cell facility infrastructure and related capital investment in this state by ensuring that municipal corporations grant or deny consent to install, operate, modify, or replace wireless facilities in a timely manner;
- (4) Ensure that access to and occupancy or use of public ways advances the state policies specified in sections 4927.02, 4928.02, and 4929.02 of the Revised Code;
- (5) Recognize the authority of a municipal corporation to manage access to and the occupancy or use of public ways to the extent necessary with regard to matters of local concern, and to receive cost recovery for the occupancy or use of public ways in accordance with law;
- (6) Ensure in accordance with law the recovery by a public utility of public way fees and related costs;
- (7) Promote coordination and standardization of municipal management of the occupancy or use of public ways, to enable efficient placement and operation of structures, appurtenances, or facilities necessary for the delivery of public utility or cable services;



(8) Encourage agreement among parties regarding public way fees and regarding terms and conditions pertaining to access to and the occupancy or use of public ways, and to facilitate the resolution of disputes regarding public way fees;

(9) Protect the integrity of the residential and historic locations and ensure that access to and occupancy or use of public ways in such districts is technologically and aesthetically appropriate.

(B) This policy establishes fair terms and conditions for the use of public ways and does not unduly burden persons occupying or using public ways or persons that benefit from the services provided by such occupants or users.