



Ohio Revised Code

Section 4939.0313 Restrictions on municipal authority.

Effective: August 1, 2018

Legislation: House Bill 478 - 132nd General Assembly

With respect to the provision of any small cell facility or the associated wireless support structure in a public way, a municipal corporation shall not do any of the following:

- (A) Require a person to submit information about, or evaluate a person's business decisions with respect to, the person's service, customer demand, or quality of service to or from a particular area or site as a condition for approval of the request;
- (B) Require a person to submit information about the need for the small cell facility or the associated wireless support structure, including additional wireless coverage, capacity, or increased speeds, as a condition for approval of the request;
- (C) Require a person to justify the need for the new small cell facility or associated wireless support structure, or to submit business information, including strategy documents, propagation maps, or telecommunications traffic studies as a condition for approval of the request;
- (D) Require the removal of existing wireless support structures or small cell facilities, wherever located, as a condition for approval of the request, unless the existing wireless support structures or small cell facilities have been unused or abandoned. This division shall not preclude a municipal corporation from adopting reasonable rules intended to ensure the public health, safety, and welfare with respect to the removal of an abandoned wireless support structure or abandoned wireless facility.
- (E) Impose restrictions with respect to objects in navigable airspace that are stricter than or in conflict with any restrictions imposed by the federal aviation administration;
- (F) Unreasonably discriminate among providers of functionally equivalent services;
- (G) Condition the grant of consent on the requirement that a person purchase or lease facilities,



networks, or services owned or operated by the municipal corporation, in whole or in part, or owned or operated, in whole or in part, by any entity in which the municipal corporation has an economic governance interest;

(H) Condition the grant of consent on the requestor's agreement to permit other wireless facilities to be placed at, attached to, or located on the associated wireless support structure;

(I) Impose setback or fall-zone requirements for the associated wireless support structure that are different from requirements imposed on other similar types of structures in the public way;

(J) Impose environmental testing, sampling, or monitoring requirements that exceed rules and regulations established under state or federal law or that are not imposed on other types of construction or elements of the construction;

(K) Impose any regulations pertaining to radio frequency emissions or exposure to such emissions that are contrary to or exceed rules of the federal communications commission;

(L) Except as set forth in section 4939.0314 of the Revised Code, impose separation requirements regarding spacing between an operator's facilities and other wireless facilities, wireless support structures, utility poles, ground-mounted equipment, or other utility facilities within the public way.