



Ohio Revised Code

Section 4939.036 Tolling of time period for consent.

Effective: August 1, 2018

Legislation: House Bill 478 - 132nd General Assembly

(A) The time period required in section 4939.031 of the Revised Code may be tolled only:

(1) By mutual agreement between the entity requesting consent and the municipal corporation;

(2) In cases where the municipal corporation determines that the application is incomplete; or

(3) If the number of requests for consent for small cell facilities or wireless support structures received is likely to result in difficulty processing applications within the time limits set forth in section 4939.031 of the Revised Code due to the lack of resources of the municipal corporation, then the municipal corporation may toll the time limits as follows:

(a) The time period may be tolled for up to twenty-one days for the first fifteen small cell facility or wireless support structure requests received by a municipal corporation above the thresholds provided in divisions (A)(3)(a)(i) to (v) of this section and for the first thirty small cell facility or wireless support structure requests received by a municipal corporation above the thresholds provided in division (A)(3)(a) (vi) of this section, within any consecutive thirty-day period:

(i) For a municipal corporation having a population of thirty thousand persons or less when it receives applications for at least fifteen small cell facility or wireless support structure requests;

(ii) For a municipal corporation having a population of thirty thousand one to forty thousand persons when it receives applications for at least twenty small cell facility or wireless support structure requests;

(iii) For a municipal corporation having a population of forty thousand one to fifty thousand persons when it receives applications for at least twenty-five small cell facility or wireless support structure requests;



(iv) For a municipal corporation having a population of fifty thousand one to sixty thousand persons when it receives applications for at least thirty small cell facility or wireless support structure requests;

(v) For a municipal corporation having a population of sixty thousand one to one hundred thousand persons when it receives applications for at least sixty small cell facility or wireless support structure requests;

(vi) For a municipal corporation having a population of one hundred thousand one persons or more when it receives applications for at least ninety small cell facility or wireless support structure requests.

(b) Further, for every additional fifteen requests that the municipal corporation receives above the thresholds provided in divisions (A)(3)(a)(i) to (v) of this section, and every additional thirty requests that the municipal corporation receives above the threshold provided in division (A)(3)(a)(vi) of this section within any consecutive thirty-day period, the municipal corporation may toll the time period for those requests for up to fifteen days in addition to the time period provided in division (A)(3)(a) of this section.

(c) In no instance shall a municipal corporation toll the time period for any small cell facility or wireless support structure request by more than ninety consecutive days. Upon request, a municipal corporation shall provide an operator written notice of the time limit for a small cell facility or wireless support structure request.

(B) To toll the time period for incompleteness, the municipal corporation shall provide written notice to the person requesting consent not later than thirty days after receiving the request, clearly and specifically delineating all missing documents or information. The missing documents or information shall be reasonably related to determining whether the request meets the requirements of applicable federal and state law. Any notice of incompleteness requiring other information or documentation, including information of the type described in section 4939.0313 of the Revised Code or documentation intended to illustrate the need for the request or to justify the business decision for the request, does not toll the time period.



(C) The time period resumes when the entity makes a supplemental submission in response to the municipal corporation's notice of incompleteness.

(D) If a supplemental submission is inadequate, the municipal corporation shall notify the entity not later than ten days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in divisions (A) to (C) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.