

8C.4 Uniform rules — new tower applications.

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to the siting of new towers, subject to the provisions of [this chapter](#) and federal law.

2. An applicant that proposes to construct a new tower within the jurisdiction of an authority that has adopted planning and zoning regulations shall submit the necessary copies and attachments of the application to the appropriate authority and comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. All records, documents, and electronic data in the possession or custody of authority personnel are subject to [chapter 22](#). Disclosure of such records shall be consistent with applicable state law.

4. An authority, within one hundred fifty calendar days of receiving an application to construct a new tower, unless another date is specified in a written agreement between the authority and the applicant, shall comply with the following provisions:

a. Review the application for conformity with applicable local zoning regulations, building permit requirements, and consistency with [this chapter](#). An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, specifying the deficiencies in the application which, if cured, would make the application complete. The authority's timeframe to review the application is tolled beginning the date the notice is sent. The authority's timeframe of one hundred fifty days for review of the application begins running again when the applicant cures the specified deficiencies. Following the applicant's supplemental submission, the authority has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice that specified deficiencies in the application. The authority's timeframe of one hundred fifty days to review the application is tolled in the case of second or subsequent notices in conformance with this paragraph. The authority shall not include deficiencies in a second or subsequent notice that were not delineated in the original notice. The authority's timeframe for review does not toll if the authority requests information regarding any of the considerations an authority may not consider as described in [section 8C.3](#).

b. Make its final decision to approve or disapprove the application.

c. Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new tower within the timeframe for review specified under [subsection 4](#), the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of [this section](#) or by its inaction, may bring an action for review in any court of competent jurisdiction.

[2015 Acts, ch 120, §4, 10](#)

Section applies to applications submitted on or after July 1, 2015; 2015 Acts, ch 120, §10
NEW section