

8C.5 Uniform rules for certain changes.

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to an application for initial placement or installation of transmission equipment on wireless support structures, for modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, subject to the provisions of [this chapter](#) and federal law.

2. An applicant that proposes an initial placement or installation of transmission equipment on wireless support structures, a modification of an existing tower or existing base station that constitutes a substantial change, or a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, within the jurisdiction of an authority that has adopted planning and zoning ordinances, rules, or regulations shall submit the necessary copies and attachments of the application to the authority and comply with such applicable local ordinances, rules, or regulations concerning land use and zoning and the appropriate local permitting processes.

3. All records, including but not limited to 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 ninety calendar days of receiving an application pursuant to [subsection 2](#), 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 ordinances, rules, or 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 for review is tolled beginning the date the notice is sent. The authority's ninety-day timeframe 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. The authority's ninety-day timeframe 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 ninety-day 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 for an initial placement or installation of transmission equipment on wireless support structures, for a modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request within the review period 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, §5, 10](#)