

REVISIONS TO MISSOURI STATE
STATUTES REGARDING
TELECOMMUNICATIONS

UNIFORM WIRELESS COMMUNICATIONS INFRASTRUCTURE DEPLOYMENT ACT.

- In August 2014, Missouri's Uniform Wireless Communications Infrastructure Deployment Act (the "Act"), which had been passed by the Missouri State Legislature, went into effect.
- The Act is found in sections 67.5090 to 67.5104 of the Missouri Revised Statutes.
- The Act serves to regulate the power of local governments related to telecommunication tower applications.

RSMo. §67.5094

- Section 67.5094 of the Act, entitled, Prohibited Acts by Authority, sets certain requirements that a municipality is prohibited from requiring from a telecommunications tower applicant.

§67.5094 Continued...

According to §67.5094 a local governing authority (i.e. a municipality) may not:

- Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;
- Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa...

§67.5094 Continued...

- Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant...
- Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable;

§67.5094 Continued...

- Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest, to be placed at or collocated with the applicant's wireless support structure.

§67.5094 Continued...

- Limit the duration of the approval of an application.

FORTHCOMING REVISIONS TO THE CITY'S UNIFIED DEVELOPMENT ORDINANCE

Article 10 of the City's Unified Development Ordinance ("UDO") contains provisions relating to telecommunications towers/antennas.

City Staff will be bringing forth revisions to Article 10 of the UDO within the next month to address the changes in Missouri State statutes pursuant to the Act.

-The proposed revisions to Article 10 of the UDO will be presented to the City's Planning Commission and Community and Economic Development Committee prior to being presented to the full City Council.

QUESTIONS?