

NEVADA: FACILITIES FOR PERSONAL WIRELESS SERVICE

NRS 707.550 Definitions. As used in NRS 707.550 to 707.585, inclusive, unless the context otherwise requires, the words and terms defined in NRS 707.555 to 707.570, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2003, 1860)

NRS 707.555 “Facility for personal wireless service” defined. “Facility for personal wireless service” includes any building, structure, antenna and other equipment used to provide personal wireless service. The term includes a telecommunications tower.

(Added to NRS by 2003, 1860)

NRS 707.560 “Land use authority” defined. “Land use authority” means an agency, bureau, board, commission, department, division, officer or employee of the State or of a local government authorized by law to take action on an application to construct a facility for personal wire service.

(Added to NRS by 2003, 1860)

NRS 707.565 “Personal wireless service” defined. “Personal wireless service” has the meaning ascribed to it in 47 U.S.C. § 332(c)(7)(C), as that provision existed on July 1, 2003.

(Added to NRS by 2003, 1860)

NRS 707.570 “Telecommunications tower” defined. “Telecommunications tower” means any freestanding tower, monopole or similar structure used to provide personal wireless services.

(Added to NRS by 2003, 1860)

NRS 707.575 Procedures and standards for review and approval of application to construct facility; requirements following denial of application; limitations on power of land use authority.

1. Notwithstanding any specific statute or ordinance to the contrary, a land use authority with jurisdiction over an application to construct a facility for personal wireless service shall:

(a) Establish procedures and standards for the review and approval of such an application, including, without limitation, procedures for:

(1) Review and approval of such an application by administrative staff pursuant to this section; and

(2) Consideration of such an application by the land use authority if the administrative staff denies the application; and

(b) Authorize administrative staff to review and approve such an application pursuant to this section.

2. The administrative staff authorized to review and approve an application to construct a facility for personal wireless service may approve such an application if:

(a) The applicant complies with the procedures established by the land use authority pursuant to this section;

(b) The facility for personal wireless service meets the standards established by the land use authority pursuant to this section;

(c) The applicant is a provider of wireless telecommunications that is licensed by the Federal Communications Commission to provide wireless telecommunications services over a designated radio frequency and authorized to do business in this state; and

(d) The facility for personal wireless service is to be:

(1) Architecturally integrated with its surroundings so that it appears to be an architectural feature of a building or other structure and its nature as a facility for personal wireless service is not readily apparent;

(2) Collocated with a facility for personal wireless service approved, or capable of being approved, by the land use authority, if the facility for personal wireless service that is the subject of the application is architecturally integrated as described in subparagraph (1) at least to the extent that the facility for personal wireless service with which it is to be collocated is architecturally integrated;

(3) Constructed on an existing building or structure owned by a public utility or on property owned by the State or by a local government; or

(4) If constructed on an existing building or structure not owned by a public utility, architecturally compatible with the building or structure.

3. If the administrative staff authorized pursuant to this section to review and approve an application to construct a facility for personal wireless service denies such an application, the administrative staff shall provide to

the applicant and the land use authority a written explanation that identifies each procedure and standard that the applicant, application or facility for personal wireless service failed to meet.

4. The land use authority shall not:

(a) Consider the environmental effects of radio frequency emissions from a facility for personal wireless service if the facility complies with the regulations of the Federal Communications Commission concerning such emissions.

(b) If the application to construct a facility for personal wireless services requests the use of a public right-of-way, deny the application based on the use of the public right-of-way if the proposed use:

(1) Meets all applicable state and local requirements for use of a public right-of-way, including, without limitation, any requirements established by the land use authority; and

(2) Does not endanger the public health or safety.

(Added to NRS by 2003, 1860)

NRS 707.580 Assessment of costs incurred to process application. A land use authority, in connection with an application to construct a facility for personal wireless service, may assess the applicant for the actual costs incurred by the land use authority to process the application.

(Added to NRS by 2003, 1861)

NRS 707.585 Written decision required upon denial of application; contents of decision; filing of decision and record with court upon bringing action against land use authority.

1. A land use authority that denies the approval of an application to construct a facility for personal wireless service shall issue a written decision. The decision must:

(a) Set forth with specificity each ground on which the authority denied the approval of the application; and

(b) Describe the documents relied upon by the land use authority in making its decision.

2. A person who brings an action against a land use authority pursuant to NRS 278.0233 shall file a copy of the decision and record with the court.

(Added to NRS by 2003, 1861)