

278.665 Administrative regulations governing cellular antenna towers to be constructed outside the jurisdiction of a planning commission.

- (1) The commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the minimum content of an application for a certificate of convenience and necessity to construct cellular antenna towers for areas outside the jurisdiction of a planning commission.
- (2) The commission, in establishing the public notice requirements of an application as provided for in subsection (1) of this section, shall distinguish between areas of low and high population densities. At a minimum, when the site of the proposed cellular antenna tower is outside of an incorporated city, the commission shall require that every person who owns property contiguous to the property where the proposed cellular antenna tower will be located receives notice by certified mail, return receipt requested, of the proposed construction, given the commission docket number under which the application will be processed, and informed of the opportunity to intervene in the commission proceedings on the application.

Effective: April 23, 2002

History: Amended 2002 Ky. Acts ch. 343, sec. 7, effective April 23, 2002; and ch. 346, sec. 223, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 103, sec. 1, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 231, sec. 4, effective July 15, 1998.

Legislative Research Commission Note (4/23/2002). This section was amended by 2002 Ky. Acts ch. 343, sec. 7, and ch. 346, sec. 223, which appear to be in conflict. The changes made by ch. 346 are revisory in nature, while the changes made by ch. 343 are substantive. The changes of ch. 343 have been allowed to prevail. Cf. KRS 7.123.