

**REGULATION OF AMATEUR RADIO**

**ANTENNAS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Neal B. Hendrickson**

**This act enacts provisions prohibiting municipalities and counties from enacting ordinances that fail to comply with federal regulation regarding amateur radio antennas. The act requires any municipal or county ordinance involving amateur radio antennas to accommodate amateur radio communications and to represent the minimal practicable regulation to accomplish the municipality or county purpose.**

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**10-9-108**, Utah Code Annotated 1953

**17-27-107**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9-108** is enacted to read:

**10-9-108. Regulation of amateur radio antennas.**

(1) A municipality may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

(2) If a municipality adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:

(a) reasonably accommodate amateur radio communications; and

(b) represent the minimal practicable regulation to accomplish the municipality's purpose.

Section 2. Section **17-27-107** is enacted to read:

**17-27-107. Regulation of amateur radio antennas.**

(1) A county may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

(2) If a county adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:

(a) reasonably accommodate amateur radio communications; and

(b) represent the minimal practicable regulation to accomplish the county's purpose.