

1 **REGULATION OF AMATEUR RADIO**

2 **ANTENNAS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Neal B. Hendrickson**

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

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

12 ENACTS:

13 **10-9-108**, Utah Code Annotated 1953

14 **17-27-107**, Utah Code Annotated 1953

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

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

17 **10-9-108. Regulation of amateur radio antennas.**

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

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

25 **(a) reasonably accommodate amateur radio communications; and**

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



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

29 **17-27-107. Regulation of amateur radio antennas.**

30 (1) A county may not enact or enforce an ordinance that does not comply with the
31 ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC
32 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part
33 97.

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

36 (a) reasonably accommodate amateur radio communications; and

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

Legislative Review Note
as of 1-9-03 5:09 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Regulation of Amateur Radio Antennas***18-Jan-03***Bill Number HB0079***3:43 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst