

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 884 Session of
2007INTRODUCED BY GREENLEAF, ROBBINS, COSTA, FONTANA, BROWNE, STOUT,
REGOLA AND DINNIMAN, JUNE 1, 2007

SENATOR REGOLA, LOCAL GOVERNMENT, AS AMENDED, JUNE 25, 2008

AN ACT

1 ~~Restricting municipalities from regulating amateur radio service~~ <—
2 ~~communications.~~

3 AMENDING TITLE 53 (MUNICIPALITIES GENERALLY) OF THE PENNSYLVANIA <—
4 CONSOLIDATED STATUTES, RESTRICTING MUNICIPALITIES FROM
5 REGULATING AMATEUR RADIO SERVICE COMMUNICATIONS.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Restriction on municipal regulation of amateur radio~~ <—
9 ~~service communications.~~

10 ~~(a) General rule. No municipality may adopt an ordinance,~~
11 ~~regulation or plan or take any other action that precludes~~
12 ~~amateur radio service communications or that in any other manner~~
13 ~~does not comply with the limited preemption of the Federal~~
14 ~~Communications Commission Amateur Radio Preemption order,~~
15 ~~published at 101 F.C.C. 2d 952 (1985), or any regulation related~~
16 ~~to amateur radio service adopted under 47 CFR Pt. 97 (relating~~
17 ~~to amateur radio service).~~

18 ~~(b) Reasonable accommodations. Any ordinance or regulation~~
19 ~~adopted by a municipality involving the placement, screening or~~

~~height of an amateur radio antenna based on health, safety or
aesthetic considerations shall reasonably accommodate amateur
radio service communications and represent the minimum
practicable regulation to accomplish the municipality's
legitimate purpose.~~

~~(c) Construction. The provisions of this section shall not
be construed to prohibit a municipality from taking action to
protect or preserve a historic, a historical or an architectural
district that is established by the municipality or pursuant to
Federal or State law.~~

SECTION 1. TITLE 53 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED BY ADDING A SECTION TO READ:

§ 302. RESTRICTION ON MUNICIPAL REGULATION OF AMATEUR RADIO
SERVICE COMMUNICATIONS.

(A) GENERAL RULE.--NO MUNICIPALITY MAY ADOPT AN ORDINANCE,
REGULATION OR PLAN OR TAKE ANY OTHER ACTION THAT PRECLUDES
AMATEUR RADIO SERVICE COMMUNICATIONS OR THAT IN ANY OTHER MANNER
DOES NOT COMPLY WITH THE LIMITED PREEMPTION OF THE FEDERAL
COMMUNICATIONS COMMISSION AMATEUR RADIO PREEMPTION ORDER,
PUBLISHED AT 101 F.C.C. 2D 952 (1985), OR ANY REGULATION RELATED
TO AMATEUR RADIO SERVICE ADOPTED UNDER 47 CFR PT. 97 (RELATING
TO AMATEUR RADIO SERVICE).

(B) REASONABLE ACCOMMODATIONS.--ANY ORDINANCE OR REGULATION
ADOPTED BY A MUNICIPALITY INVOLVING THE PLACEMENT, SCREENING OR
HEIGHT OF AN AMATEUR RADIO ANTENNA BASED ON HEALTH, SAFETY OR
AESTHETIC CONSIDERATIONS SHALL REASONABLY ACCOMMODATE AMATEUR
RADIO SERVICE COMMUNICATIONS AND REPRESENT THE MINIMUM
PRACTICABLE REGULATION TO ACCOMPLISH THE MUNICIPALITY'S
LEGITIMATE PURPOSE.

(C) CONSTRUCTION.--THE PROVISIONS OF THIS SECTION SHALL NOT

1 BE CONSTRUED TO PROHIBIT A MUNICIPALITY FROM TAKING ACTION TO
2 PROTECT OR PRESERVE A HISTORIC, A HISTORICAL OR AN ARCHITECTURAL
3 DISTRICT THAT IS ESTABLISHED BY THE MUNICIPALITY OR PURSUANT TO
4 FEDERAL OR STATE LAW.

5 Section 2. Effective date.

6 This act shall take effect in 60 days.