

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

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 18, 2008

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, restricting municipalities from
3 regulating amateur radio service communications.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 302. 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~~

~~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.~~

(A) GENERAL RULE.--A MUNICIPALITY THAT ADOPTS AN ORDINANCE, REGULATION OR PLAN OR TAKES ANY OTHER ACTION INVOLVING THE PLACEMENT, SCREENING OR HEIGHT OF ANTENNAS OR ANTENNA SUPPORT STRUCTURES SHALL REASONABLY ACCOMMODATE AMATEUR RADIO SERVICE COMMUNICATIONS, AND SHALL IMPOSE ONLY THE MINIMUM REGULATIONS NECESSARY TO ACCOMPLISH THE LEGITIMATE PURPOSE OF THE MUNICIPALITY.

(B) REASONABLE ACCOMMODATIONS.--A MUNICIPALITY MAY IMPOSE NECESSARY REGULATIONS TO ENSURE THE SAFETY OF AMATEUR RADIO ANTENNA STRUCTURES, BUT MUST REASONABLY ACCOMMODATE AMATEUR SERVICE COMMUNICATIONS. NO ORDINANCE, REGULATION, PLAN OR ANY OTHER ACTION SHALL RESTRICT AMATEUR RADIO ANTENNA HEIGHT TO LESS THAN 65 FEET ABOVE GROUND LEVEL.

(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 2. Effective date.

This act shall take effect in 60 days.