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SENATE BILL 5655

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State of Washington

61st Legislature

2009 Regular Session

By Senators Roach, Swecker, Stevens, Hobbs, Delvin, Carrell, Parlette, and Benton

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to height restrictions on amateur radio antennas;  
2 and amending RCW 35.21.315, 35A.21.260, and 36.32.600.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.21.315 and 1994 c 50 s 1 are each amended to read  
5 as follows:

6 No city or town shall enact or enforce an ordinance or regulation  
7 that fails to conform to the limited preemption entitled "Amateur Radio  
8 Preemption, 101 FCC 2nd 952 (1985)" issued by the federal  
9 communications commission. An ordinance or regulation adopted by a  
10 city or town with respect to amateur radio antennas shall conform to  
11 the limited federal preemption, that states local regulations that  
12 involve placement, screening, or height of antennas based on health,  
13 safety, or aesthetic considerations must be crafted to reasonably  
14 accommodate amateur communications, and to represent the minimal  
15 practicable regulation to accomplish the local authority's legitimate  
16 purpose. However, no city or town shall restrict an amateur radio  
17 antenna height to less than seventy feet unless the restriction is  
18 necessary to achieve a clearly defined health, safety, or aesthetic  
19 consideration, and the city or town finds that these considerations are

1 of greater benefit to its citizenry than the value the proposed antenna  
2 would add to the ability of the amateur radio network to fulfill its  
3 mission as part of the state and local emergency management  
4 organizations, including the provision of back-up emergency  
5 communications coverage without gaps for the entire state.

6 **Sec. 2.** RCW 35A.21.260 and 1994 c 50 s 2 are each amended to read  
7 as follows:

8 No code city shall enact or enforce an ordinance or regulation that  
9 fails to conform to the limited preemption entitled "Amateur Radio  
10 Preemption, 101 FCC 2nd 952 (1985)" issued by the federal  
11 communications commission. An ordinance or regulation adopted by a  
12 code city with respect to amateur radio antennas shall conform to the  
13 limited federal preemption, that states local regulations that involve  
14 placement, screening, or height of antennas based on health, safety, or  
15 aesthetic considerations must be crafted to reasonably accommodate  
16 amateur communications, and to represent the minimal practicable  
17 regulation to accomplish the local authority's legitimate purpose.  
18 However, no code city shall restrict an amateur radio antenna height to  
19 less than seventy feet unless the restriction is necessary to achieve  
20 a clearly defined health, safety, or aesthetic consideration, and the  
21 city or town finds that these considerations are of greater benefit to  
22 its citizenry than the value the proposed antenna would add to the  
23 ability of the amateur radio network to fulfill its mission as part of  
24 the state and local emergency management organizations, including the  
25 provision of back-up emergency communications coverage without gaps for  
26 the entire state.

27 **Sec. 3.** RCW 36.32.600 and 1994 c 50 s 3 are each amended to read  
28 as follows:

29 No county shall enact or enforce an ordinance or regulation that  
30 fails to conform to the limited preemption entitled "Amateur Radio  
31 Preemption, 101 FCC 2nd 952 (1985)" issued by the federal  
32 communications commission. An ordinance or regulation adopted by a  
33 county with respect to amateur radio antennas shall conform to the  
34 limited federal preemption, that states local regulations that involve  
35 placement, screening, or height of antennas based on health, safety, or  
36 aesthetic considerations must be crafted to reasonably accommodate

1 amateur communications, and to represent the minimal practicable  
2 regulation to accomplish the local authority's legitimate purpose.  
3 However, no county shall restrict an amateur radio antenna height to  
4 less than seventy feet unless the restriction is necessary to achieve  
5 a clearly defined health, safety, or aesthetic consideration, and the  
6 city or town finds that these considerations are of greater benefit to  
7 its citizenry than the value the proposed antenna would add to the  
8 ability of the amateur radio network to fulfill its mission as part of  
9 the state and local emergency management organizations, including the  
10 provision of back-up emergency communications coverage without gaps for  
11 the entire state.

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