

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 104

Representative Stebelton

Cosponsor: Representative Huffman

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A B I L L

To enact sections 303.214, 519.214, and 713.082 of 1
the Revised Code to codify federal restrictions on 2
local zoning of the antenna structures of amateur 3
radio stations and place the burden of proof for 4
compliance on the zoning authority. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 303.214, 519.214, and 713.082 of the 6
Revised Code be enacted to read as follows: 7

Sec. 303.214. (A) As used in this section: 8

(1) "Amateur service" means a radiocommunication service for 9
the purpose of self-training, intercommunication, and technical 10
investigations carried out by amateurs, that is, duly authorized 11
persons interested in radio technique solely with a personal aim 12
and without pecuniary interest. 13

(2) "Amateur radio service" means the amateur service, the 14
amateur-satellite service, and the radio amateur civil emergency 15
service as provided for under 47 C.F.R. part 97. 16

(3) "Amateur station" means a station in an amateur radio 17
service consisting of the apparatus necessary for carrying on 18
radiocommunications. 19

(B) Sections 303.01 to 303.25 and 303.99 of the Revised Code 20
do not confer on any county rural zoning commission, board of 21
county commissioners, or board of zoning appeals the authority to 22
preclude amateur service communications. In carrying out its 23
authority under those sections, the commission or board shall 24
reasonably accommodate amateur service communications, and its 25
regulation of the antenna structure of an amateur station shall 26
constitute the minimum practicable regulation to accomplish the 27
commission's or board's legitimate purpose. The burden of proof 28
shall be on the commission or board. 29

Sec. 519.214. (A) As used in this section: 30

(1) "Amateur service" means a radiocommunication service for 31
the purpose of self-training, intercommunication, and technical 32
investigations carried out by amateurs, that is, duly authorized 33
persons interested in radio technique solely with a personal aim 34
and without pecuniary interest. 35

(2) "Amateur radio service" means the amateur service, the 36
amateur-satellite service, and the radio amateur civil emergency 37
service as provided for under 47 C.F.R. part 97. 38

(3) "Amateur station" means a station in an amateur radio 39
service consisting of the apparatus necessary for carrying on 40
radiocommunications. 41

(B) Sections 519.01 to 519.25 and 519.99 of the Revised Code 42
do not confer on any township zoning commission, board of township 43
trustees, or board of zoning appeals the authority to preclude 44
amateur service communications. In carrying out its authority 45
under those sections, the commission or board shall reasonably 46
accommodate amateur service communications, and its regulation of 47
the antenna structure of an amateur station shall constitute the 48
minimum practicable regulation to accomplish the commission's or 49
board's legitimate purpose. The burden of proof shall be on the 50

commission or board. 51

Sec. 713.082. (A) As used in this section: 52

(1) "Amateur service" means a radiocommunication service for 53
the purpose of self-training, intercommunication, and technical 54
investigations carried out by amateurs, that is, duly authorized 55
persons interested in radio technique solely with a personal aim 56
and without pecuniary interest. 57

(2) "Amateur radio service" means the amateur service, the 58
amateur-satellite service, and the radio amateur civil emergency 59
service as provided for under 47 C.F.R. part 97. 60

(3) "Amateur station" means a station in an amateur radio 61
service consisting of the apparatus necessary for carrying on 62
radiocommunications. 63

(B) Sections 713.06 to 713.15 of the Revised Code do not 64
confer on any legislative authority of a municipal corporation the 65
authority to preclude amateur service communications. In carrying 66
out its authority under those sections, the legislative authority 67
shall reasonably accommodate amateur service communications, and 68
its regulation of the antenna structure of an amateur station 69
shall constitute the minimum practicable regulation to accomplish 70
the legislative authority's legitimate purpose. The burden of 71
proof shall be on the legislative authority. 72