

As Introduced

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

S. B. No. 218

Senators Schaffer, Sawyer

**Cosponsors: Senators Wagoner, Stewart, Strahorn, Cafaro, Turner,
Miller, R.**

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A B I L L

To enact sections 303.214, 519.214, 713.082, and 1
5502.031 of the Revised Code to codify federal 2
restrictions on local zoning of amateur station 3
antenna structures thereby preserving amateur 4
radio service communications as a Homeland 5
Security resource and to place the burden of proof 6
for compliance on the zoning authority. 7

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

Section 1. That sections 303.214, 519.214, 713.082, and 8
5502.031 of the Revised Code be enacted to read as follows: 9

Sec. 303.214. County rural zoning commissions, boards of 10
county commissioners, and boards of zoning appeals shall comply 11
with section 5502.031 of the Revised Code. 12

Sec. 519.214. Township zoning commissions, boards of township 13
trustees, and boards of zoning appeals shall comply with section 14
5502.031 of the Revised Code. 15

Sec. 713.082. The legislative authorities of municipal 16

corporations and municipal corporation zoning review boards shall 17
comply with section 5502.031 of the Revised Code. 18

Sec. 5502.031. (A) As used in this section: 19

(1) "Amateur radio service" means the amateur service, the 20
amateur-satellite service, and the radio amateur civil emergency 21
service as provided for under 47 C.F.R. part 97. 22

(2) "Amateur station" means a station in an amateur radio 23
service consisting of the apparatus necessary for carrying on 24
radiocommunications. 25

(3) "Legislative authority" means the following: 26

(a) With respect to a county, any county rural zoning 27
commission, board of county commissioners, or county board of 28
zoning appeals; 29

(b) With respect to a township, any township zoning 30
commission, board of township trustees, or township board of 31
zoning appeals; 32

(c) With respect to a municipal corporation, the legislative 33
authority of any municipal corporation or municipal zoning review 34
board. 35

(B) Sections 303.01 to 303.25, 303.99, 519.01 to 519.25, 36
519.99, and 713.06 to 713.15 of the Revised Code do not confer the 37
authority to preclude amateur radio service communications on any 38
legislative authority. In carrying out its authority under those 39
sections, any rules adopted by a legislative authority to regulate 40
amateur radio service shall comply with the following limitations: 41

(1) The legislative authority shall not restrict the height 42
or dimensions of amateur station antenna structures in such a way 43
as to prevent effective amateur radio service communications. For 44
purposes of structure restrictions, seventy-five feet shall be 45
considered a reasonable antenna structure height. 46

(2) The rules shall reasonably accommodate amateur station 47
communications and shall constitute the minimum practicable 48
regulation necessary to accomplish the legislative authority's 49
purpose. 50

The legislative authority shall bear the burden of proving 51
the reasonableness of its rules. 52