

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Am. 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. 6

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

Section 1. That sections 303.214, 519.214, 713.082, and 7
5502.031 of the Revised Code be enacted to read as follows: 8

Sec. 303.214. County rural zoning commissions, boards of 9
county commissioners, and boards of zoning appeals shall comply 10
with section 5502.031 of the Revised Code. 11

Sec. 519.214. Township zoning commissions, boards of township 12
trustees, and boards of zoning appeals shall comply with section 13
5502.031 of the Revised Code. 14

Sec. 713.082. The legislative authorities of municipal 15

corporations and municipal corporation zoning review boards shall 16
comply with section 5502.031 of the Revised Code. 17

Sec. 5502.031. (A) As used in this section: 18

(1) "Amateur radio service" means the amateur service, the 19
amateur-satellite service, and the radio amateur civil emergency 20
service as provided for under 47 C.F.R. part 97. 21

(2) "Amateur station" means a station in an amateur radio 22
service consisting of the apparatus necessary for carrying on 23
radiocommunications. 24

(3) "Legislative authority" means the following: 25

(a) With respect to a county, any county rural zoning 26
commission, board of county commissioners, or county board of 27
zoning appeals; 28

(b) With respect to a township, any township zoning 29
commission, board of township trustees, or township board of 30
zoning appeals; 31

(c) With respect to a municipal corporation, the legislative 32
authority of any municipal corporation or municipal zoning review 33
board. 34

(B) Sections 303.01 to 303.25, 303.99, 519.01 to 519.25, 35
519.99, and 713.06 to 713.15 of the Revised Code do not confer the 36
authority to preclude amateur radio service communications on any 37
legislative authority. In carrying out its authority under those 38
sections, any rules adopted by a legislative authority to regulate 39
amateur radio service shall comply with the following limitations: 40

(1) The legislative authority shall not restrict the height 41
or dimensions of amateur station antenna structures in such a way 42
as to prevent effective amateur radio service communications. For 43
purposes of structure restrictions, seventy-five feet shall be 44
considered a reasonable antenna structure height. 45

(2) The rules shall reasonably accommodate amateur station 46
communications and shall constitute the minimum practicable 47
regulation necessary to accomplish the legislative authority's 48
purpose. 49