



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

S.B. 218

128th General Assembly
(As Introduced)

Sens. Schaffer, Sawyer, Wagoner, Stewart, Strahorn, Cafaro, Turner, R. Miller

BILL SUMMARY

- Declares that the County, Township, and Municipal Corporation Zoning Laws do not confer authority to preclude amateur radio service communications on any legislative authority of a county, township, or municipal corporation, and defines "legislative authority" to include a zoning commission, board of zoning appeals, or zoning review board.
- Establishes restrictions on local zoning regulations regarding amateur station antenna structures.

CONTENT AND OPERATION

The bill declares that the County, Township, and Municipal Corporation Zoning Laws do not confer authority to preclude amateur radio service communications on any legislative authority of a county, township, or municipal corporation (R.C. 5502.031(B)). The bill defines "legislative authority" to mean: (1) with respect to a county, any county rural zoning commission, board of county commissioners, or county board of zoning appeals, (2) with respect to a township, any township zoning commission, board of township trustees, or township board of zoning appeals, and (3) with respect to a municipal corporation, the legislative authority of any municipal corporation or municipal zoning review board. "Amateur radio service" means the amateur service, the amateur-satellite service, and the radio amateur civil emergency service as provided for under specified federal regulations.¹ (R.C. 5502.031(A)(1) and (3).)

A legislative authority is required to comply with the bill (R.C. 303.214, 519.214, and 713.082).

¹ 47 C.F.R. part 47.

In carrying out its current zoning authority, any rules adopted by a legislative authority to regulate amateur radio service must comply with the following limitations:

(1) The legislative authority must not restrict the height or dimensions of amateur station² antenna structures in such a way as to prevent effective amateur radio service communications. For purposes of structure restrictions, 75 feet must be considered a reasonable antenna structure height.

(2) The rules must reasonably accommodate amateur station communications and must constitute the minimum practicable regulation necessary to accomplish the legislative authority's purpose. (R.C. 5502.031(B)(1) and (2).)

The legislative authority is required to bear the burden of proving the reasonableness of its rules (R.C. 5502.031(B)).

HISTORY

ACTION	DATE
Introduced	12-08-09

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² Under the bill, "amateur station" means a station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications (R.C. 5502.031(A)(2)).

