
SENATE BILL 5002

State of Washington

57th Legislature

2001 Regular Session

By Senators Roach and Swecker

Read first time 01/08/2001. Referred to Committee on Economic Development & Telecommunications.

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.

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

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

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

18 No county shall enact or enforce an ordinance or regulation that
19 fails to conform to the limited preemption entitled "Amateur Radio
20 Preemption, 101 FCC 2nd 952 (1985)" issued by the federal
21 communications commission. An ordinance or regulation adopted by a
22 county with respect to amateur radio antennas shall conform to the
23 limited federal preemption, that states local regulations that involve
24 placement, screening, or height of antennas based on health, safety, or
25 aesthetic considerations must be crafted to reasonably accommodate
26 amateur communications, and to represent the minimal practicable
27 regulation to accomplish the local authority's legitimate purpose.
28 However, no county shall restrict an amateur radio antenna height to
29 less than seventy feet unless the restriction is necessary to achieve
30 a clearly defined health, safety, or aesthetic consideration.

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