



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 158

129th General Assembly
(As Introduced)

Reps. Stebelton and Okey, Gardner, Grossman, Hackett, Huffman, Letson, Murray, Schuring, Yuko

BILL SUMMARY

- Codifies federal restrictions into Ohio law by declaring that local government zoning laws do not confer authority on the legislative authority of a county, township, or municipal corporation to preclude amateur radio service communications.
- Defines "legislative authority" to include a zoning commission or 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. 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, a village's or city's planning commission, or a municipal board of zoning appeals.¹ "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.² And

¹ R.C. 5502.031(A)(3) and (B).

² R.C. 5502.031(A)(1); 47 C.F.R. part 97.

"amateur station" means a station in amateur radio service consisting of the apparatus necessary for carrying on radio communications.³

With respect to zoning, 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 location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications. For purposes of structure restrictions, 75 feet must be presumed 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.⁴

All legislative authorities, as defined by the bill (see above), are required to comply with the bill.⁵

Any legislative authority that denies an application for approval of an amateur station antenna structure must state the reasons for the denial, and must, on appeal, bear the burden of proving that the authority's actions are consistent with the bill.⁶

Amateur radio services defined

Federal law encourages amateur radio services, and requires a person who operates an amateur radio to obtain an amateur station license from the Federal Communications Commission. Federal regulations that regulate amateur radio services state that they are designed to promote the recognition and enhancement of the value of the amateur service to the public, particularly with respect to providing emergency communications and to improve amateur service, along with other purposes.⁷

Under federal regulations, as noted above, amateur radio service is composed of the amateur service, the amateur-satellite service, and the radio amateur civil emergency service. "Amateur service" is defined as a radiocommunication service for the purpose of self-training, intercommunication, and technical investigations carried

³ R.C. 5502.031(A)(2).

⁴ R.C. 5502.031(B).

⁵ R.C. 303.214, 519.214, and 713.082.

⁶ R.C. 5502.031(C).

⁷ 47 C.F.R. §97.1.

out by amateurs, i.e., duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. "Amateur-satellite service" is a radiocommunication service using stations on earth satellites for the same purpose as those of the amateur service. And "radio amateur civil emergency service" (RACES) is a radio service using amateur stations for civil defense communications during periods of local, regional, or national civil emergencies.⁸

HISTORY

ACTION	DATE
Introduced	03-15-11

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⁸ 47 C.F.R. §97.3.