
SENATE BILL No. 109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-5.2.

Synopsis: Regulation of amateur radio antennas. Requires a municipality or county to comply with an FCC ruling concerning amateur radio preemption or a regulation related to amateur radio service. Prohibits a municipality or county from restricting the height of amateur radio antennas to less than 75 feet above ground level.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 109



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-5.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]:

4 **Chapter 5.2. Regulation of Amateur Radio Antennas**

5 **Sec. 1. A municipality or county may not enact or enforce an**
6 **ordinance, a resolution, or an order that does not comply with the**
7 **ruling of the Federal Communications Commission in "Amateur**
8 **Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related**
9 **to the amateur radio service adopted under 47 CFR Part 97.**

10 **Sec. 2. If a municipality or county adopts an ordinance, a**
11 **resolution, or an order involving the placement, screening, or**
12 **height of an amateur radio antenna based on health, safety, or**
13 **aesthetic conditions, the ordinance, resolution, or order must:**

- 14 (1) **reasonably accommodate amateur radio communications;**
15 **and**
16 (2) **represent the minimal regulation practicable to**
17 **accomplish the municipality's or county's legitimate purpose.**



1 **Sec. 3. A local ordinance, resolution, or order may not restrict**
2 **the height of an amateur radio antenna to less than seventy-five**
3 **(75) feet above ground level.**

4 **Sec. 4. This chapter does not prohibit a municipality or county**
5 **from taking action to protect or preserve a historic, a historical, or**
6 **an architectural district that is established by the municipality or**
7 **county or under state or federal law.**

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