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HOUSE BILL 2781

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives May, Orr and Bray

Read first time 01/27/92. Referred to Committee on Local Government.

1            AN ACT Relating to radio communication; adding a new section to  
2 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding  
3 a new section to chapter 36.32 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.21 RCW  
6 to read as follows:

7            No city or town shall enact or enforce an ordinance or regulation  
8 that fails to conform to the limited preemption entitled "Amateur Radio  
9 Preemption, 101 FCC 2nd 952 (1985)" issued by the federal  
10 communications commission. An ordinance or regulation adopted by a  
11 city or town with respect to amateur radio antennas shall conform to  
12 the limited federal preemption, that states local regulations that  
13 involve placement, screening, or height of antennas based on health,  
14 safety, or aesthetic considerations must be crafted to reasonably

1 accommodate amateur communications, and to represent the minimal  
2 practicable regulation to accomplish the local authority's legitimate  
3 purpose.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW  
5 to read as follows:

6 No code city shall enact or enforce an ordinance or regulation that  
7 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 code city with respect to amateur radio antennas shall conform to the  
11 limited federal preemption, that states local regulations that involve  
12 placement, screening, or height of antennas based on health, safety, or  
13 aesthetic considerations must be crafted to reasonably accommodate  
14 amateur communications, and to represent the minimal practicable  
15 regulation to accomplish the local authority's legitimate purpose.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32 RCW  
17 to read 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.

1        NEW SECTION.    **Sec. 4.**        This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and shall take  
4 effect immediately.