
SUBSTITUTE SENATE BILL 5655

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Roach, Swecker, Stevens, Hobbs, Delvin, Carrell, Parlette, and Benton)

READ FIRST TIME 02/23/09.

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 amateur radio
17 antennas or antenna support structures to heights of less than seventy
18 feet unless the restriction is necessary to achieve a clearly defined

1 health, safety, or aesthetic consideration. Reasonable and customary
2 engineering practices must be followed in the erection of the antenna.

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

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

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

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

1 or aesthetic consideration. Reasonable and customary engineering
2 practices must be followed in the erection of the antenna.

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