



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 493 (as introduced 9-17-13)
Sponsor: Senator Rick Jones
Committee: Energy and Technology

Date Completed: 2-11-14

CONTENT

The bill would amend the Michigan Zoning Enabling Act to do the following:

- **Prohibit a local unit of government from adopting an ordinance that precluded amateur radio service communications or that did not comply with certain Federal regulations.**
- **Prohibit a local unit from placing certain restrictions on antennas or antenna support structures of amateur radio operators, unless the restrictions were necessary to achieve specified objectives of the local unit.**
- **Require a local ordinance regulating the placement, screening, number, or height of a station antenna structure to comply with certain Federal regulations.**

Specifically, the bill would prohibit a local unit of government from adopting an ordinance that precluded federally licensed amateur radio service communications or that did not comply with 47 CFR 97.15 and the rules and regulations of the Federal Communications Commission (FCC).

(Under 47 CFR 97.15, owners of certain antenna structures more than 200 feet above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the FCC.

Except as otherwise provided, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. State and local regulation of such a structure may not preclude amateur service communications, and must reasonably accommodate such communications and constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose.)

The bill also would prohibit a local unit of government from restricting antennas or antenna support structures of amateur radio operators to heights below 90 feet, unless the restriction were shown by clear and convincing evidence to be necessary to achieve a defined health, safety, or aesthetic objective of the local unit. If a local unit adopted an ordinance that regulated the placement, screening, number, or height of a station antenna structure based on health, safety, or aesthetic considerations, the ordinance would have to do both of the following:

- Reasonably accommodate federally licensed amateur radio service communications.
- Constitute the minimum regulation practicable to carry out the legitimate purpose of the governing body.

The bill's provisions would not apply to any district organized pursuant to Federal, State, or local law for the purpose of historic preservation.

The bill would define "amateur radio service communications" as communications carried out by one or more of the amateur radio services. "Amateur radio services" would mean that term as defined in 47 CFR 97.3 (which defines the term as the amateur service, the amateur-satellite service, and the radio amateur civil emergency service).

The bill would define "station antenna structures" as the antennas that serve a federally licensed amateur station, including the appurtenances and other structures necessary to support, stabilize, raise, lower, or otherwise adjust the antennas. The structures could not be construed to be permanent structures. "Amateur station" would mean a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.

Proposed MCL 125.3205a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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