

## No. 2008-88

## AN ACT

SB 884

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 302. Restriction on municipal regulation of amateur radio service communications.**

*(a) General rule.—A municipality that adopts an ordinance, regulation or plan or takes any other action involving the placement, screening or height of antennas or antenna support structures shall reasonably accommodate amateur radio service communications and shall impose only the minimum regulations necessary to accomplish the legitimate purpose of the municipality.*

*(b) Reasonable accommodations.—A municipality may impose necessary regulations to ensure the safety of amateur radio antenna structures, but must reasonably accommodate amateur service communications. No ordinance, regulation, plan or any other action shall restrict amateur radio antenna height to less than 65 feet above ground level.*

*(c) Construction.—The provisions of this section shall not be construed to prohibit a municipality from taking action to protect or preserve a historic, a historical or an architectural district that is established by the municipality or pursuant to Federal or State law.*

*(d) Definition.—As used in this section, the term “legitimate purposes” shall include a clearly defined health, safety or aesthetic objective of a municipality.*

Section 2. Effective date.

This act shall take effect in 60 days.

APPROVED—The 8th day of October, A.D. 2008.

EDWARD G. RENDELL