

HOUSE BILL No. 5027

September 28, 2011, Introduced by Rep. Lindberg and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 205a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 205A. (1) A LOCAL UNIT OF GOVERNMENT SHALL NOT ADOPT AN
2 ORDINANCE THAT PRECLUDES FEDERALLY LICENSED AMATEUR RADIO SERVICE
3 COMMUNICATIONS OR THAT DOES NOT COMPLY WITH 47 CFR 97.15 AND THE
4 RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION.

5 (2) A LOCAL UNIT OF GOVERNMENT SHALL NOT RESTRICT ANTENNAS OR
6 ANTENNA SUPPORT STRUCTURES OF AMATEUR RADIO OPERATORS TO HEIGHTS
7 BELOW 90 FEET, UNLESS THE RESTRICTION IS SHOWN BY CLEAR AND
8 CONVINCING EVIDENCE TO BE NECESSARY TO ACHIEVE A DEFINED HEALTH,
9 SAFETY, OR AESTHETIC OBJECTIVE OF THE LOCAL UNIT OF GOVERNMENT. IF
10 A LOCAL UNIT OF GOVERNMENT ADOPTS AN ORDINANCE THAT REGULATES THE
11 PLACEMENT, SCREENING, NUMBER, OR HEIGHT OF A STATION ANTENNA

1 STRUCTURE, BASED ON HEALTH, SAFETY, OR AESTHETIC CONSIDERATIONS,
2 THE ORDINANCE SHALL DO BOTH OF THE FOLLOWING:

3 (A) REASONABLY ACCOMMODATE FEDERALLY LICENSED AMATEUR RADIO
4 SERVICE COMMUNICATIONS.

5 (B) CONSTITUTE THE MINIMUM REGULATION PRACTICABLE TO CARRY OUT
6 THE LEGITIMATE PURPOSE OF THE GOVERNING BODY.

7 (3) THIS SECTION DOES NOT APPLY TO ANY DISTRICT ORGANIZED
8 PURSUANT TO FEDERAL, STATE, OR LOCAL LAW FOR THE PURPOSE OF
9 HISTORIC PRESERVATION.

10 (4) AS USED IN THIS SECTION:

11 (A) "AMATEUR RADIO SERVICES" MEANS THAT TERM AS DEFINED IN 47
12 CFR 97.3.

13 (B) "AMATEUR RADIO SERVICE COMMUNICATIONS" MEANS
14 COMMUNICATIONS CARRIED OUT BY 1 OR MORE OF THE AMATEUR RADIO
15 SERVICES.

16 (C) "AMATEUR STATION" MEANS A STATION IN AN AMATEUR RADIO
17 SERVICE CONSISTING OF THE APPARATUS NECESSARY FOR CARRYING ON
18 RADIOCOMMUNICATIONS.

19 (D) "STATION ANTENNA STRUCTURES" MEANS THE ANTENNAS THAT SERVE
20 A FEDERALLY LICENSED AMATEUR STATION, INCLUDING THE APPURTENANCES
21 AND OTHER STRUCTURES NECESSARY TO SUPPORT, STABILIZE, RAISE, LOWER,
22 OR OTHERWISE ADJUST THE ANTENNAS. THE STATION ANTENNA STRUCTURES
23 SHALL NOT BE CONSTRUED TO BE PERMANENT STRUCTURES.