

CS FOR SENATE BILL NO. 78(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/15/01

Referred: Rules

Sponsor(s): SENATORS TAYLOR BY REQUEST, Austerman

REPRESENTATIVES Kerttula, Guess, Dyson, Davies

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal regulation of radio antennas."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

4 (60) AS 29.35.141 (regulation of radio antennas).

5 * **Sec. 2.** AS 29.35 is amended by adding a new section to read:

6 **Sec. 29.35.141. Regulation of radio antennas.** (a) A municipality that
7 regulates the placement, screening, or height of radio antennas must reasonably
8 accommodate amateur radio antennas. A municipality may require reasonable and
9 customary engineering practices to be followed in the erection of amateur radio
10 antennas. A municipality may impose only the minimum requirements relating to
11 amateur radio antennas that are necessary to accomplish the legitimate purposes
12 intended to be served by the requirements.

13 (b) A municipality may not restrict the number of support structures for an
14 amateur radio antenna. Based on the most recently published United States census, a
15 municipal restriction on amateur radio antenna height may not be lower than

1 (1) 200 feet above ground level as permitted by the Federal
2 Communications Commission in an area with a population density of 120 or less per
3 square mile;

4 (2) 75 feet above ground level in an area with a population density of
5 more than 120 per square mile for an antenna on a lot that is smaller than one acre; or

6 (3) 140 feet above ground level in an area with a population density of
7 more than 120 per square mile for an antenna on a lot that is one acre or larger.

8 (c) Subject to (a) and (b) of this section, a municipality may, by ordinance,
9 impose requirements to meet clearly defined objectives relating to screening,
10 placement, aesthetic, and health and safety factors with respect to the erection,
11 maintenance, and operation of amateur radio antennas.

12 (d) An ordinance regulating or restricting radio antennas adopted under this
13 section may not apply to a radio antenna that was erected before the effective date of
14 this Act.

15 (e) This section applies to home rule and general law municipalities.