



City Council Agenda Bill

20033

Bill Number

Subject: A discussion regarding the regulation of amateur radio antennas.

Summary Statement: City Council directed staff to research the possibility of regulating amateur radio antennas. The attached memo provides an overview of the completed research and staff recommends the City not take any action to amend the regulation of amateur radio antennas.

Previous Council Action: March 25, 2013; City Council direction to staff

Fiscal Impact: Undetermined

Funding Source: N/A

Attachments: Staff Memo

| Meeting Activity | Meeting Date | Staff Recommendation | Presented By | Time |
|--|--------------|-------------------------------|---------------------------|-------|
| Committee Briefing Council Direction Requested | 01-Jul-2013 | Provide Direction to Staff | Jeff Thomas, PCD Director | 5 min |

Council Committee:

Planning & Community Development

Jack Weiss, Chair
Michael Lilliquist; Gene Knutson

Committee Actions:

Council Action:

Agenda Bill Contact:

Jeff Thomas, PCD Director 778-8300

Reviewed By
Jeff Thomas, PCD Director

Initials
J.T.

Date
6-25-2013

Legal
Mayor

AMM
KL
6/25/13
6-26-13

MEMORANDUM

TO: City Council
FROM: Jeff Thomas, PCD Director
DATE: June 25, 2013

SUBJECT: Amateur Radio Antennas

On March 25, 2013, the Bellingham City Council directed staff to research the possibility of regulating amateur ("ham") radio antennas. Below is a discussion of Federal Communications Commission (FCC) rules on the subject, examples of regulations from elsewhere across the State of Washington, and staff's recommendation.

Federal Communications Commission Rules

The FCC imposes a limited federal preemption on local zoning regulations affecting amateur radio antennas (97.15(b) CFR). "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" states that local ordinances regulating placement, screening or height of antennas based on health, safety or aesthetic considerations must reasonably accommodate amateur communications and represent the minimum practicable regulation to accomplish the local government's legitimate purpose. This preemption is explicitly recognized in state statute RCW 35A.21.260.

Examples of Amateur Radio Antenna Regulations

Perhaps due to the partial federal preemption, many State of Washington municipalities do not have explicit regulations for amateur radio antennas. However, municipalities that do regulate these types of antennas have done so through the following categories of restrictions:

- 1) Height
- 2) Placement
- 3) Aesthetics
- 4) Signage
- 5) Lighting

Staff Recommendation

Historically, the City has seen few complaints regarding amateur radio antennas. Current residential single (RS) setback requirements (Bellingham Municipal Code Section 20.30.040.F) apply to amateur radio antennas, as do building permit requirements. Any additional restrictions on amateur radio antennas could be construed as a potential infringement on one's ability to install such, especially the prohibition of their placement in residential single zones. Therefore, staff does not recommend taking any action to amend the regulation of amateur radio antennas.