

IC 36-7-5.2

Chapter 5.2. Regulation of Amateur Radio Antennas

IC 36-7-5.2-1

Limited federal preemption

Sec. 1. A municipality or county may not enact or enforce an ordinance, a resolution, or an order that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related to the amateur radio service adopted under 47 CFR Part 97.

As added by P.L.109-2003, SEC.1.

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Municipal or county ordinance

Sec. 2. If a municipality or county adopts an ordinance, a resolution, or an order involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance, resolution, or order must:

- (1) reasonably accommodate amateur radio communications;
- and
- (2) represent the minimal regulation practicable to accomplish the municipality's or county's legitimate purpose.

As added by P.L.109-2003, SEC.1.

IC 36-7-5.2-3

Historic district

Sec. 3. This chapter does not prohibit a municipality or county from taking action to protect or preserve a historic, a historical, or an architectural district that is established by the municipality or county or under state or federal law.

As added by P.L.109-2003, SEC.1.