

ASSEMBLY BILL NO. 61—ASSEMBLYMAN BEERS

PREFILED FEBRUARY 1, 2001

Referred to Committee on Government Affairs

SUMMARY—Prohibits certain restrictions pertaining to station antenna structures used in amateur service communications. (BDR 22-672)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

AN ACT relating to property; prohibiting certain restrictions pertaining to station antenna structures used in amateur service communications; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that precludes amateur service communications or that in any other manner does not conform to the provisions of 47 C.F.R. § 97.15 and the limited preemption entitled “Amateur Radio Preemption, 101 F.C.C. 2d 952 (1985)” as issued by the Federal Communications Commission.*

*2. If a governing body adopts an ordinance, regulation or plan or takes any other action that regulates the placement, screening or height of a station antenna structure based on health, safety or aesthetic considerations, the ordinance, regulation, plan or action must:*

*(a) Reasonably accommodate amateur service communications; and*  
*(b) Constitute the minimum level of regulation practicable to carry out the legitimate purpose of the governing body.*

*3. The provisions of this section do not apply to any district organized pursuant to federal, state or local law for the purpose of historic or architectural preservation.*

*4. Any ordinance, regulation or plan adopted by or other action taken by a governing body in violation of the provisions of this section is void.*

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5. *As used in this section:*

(a) *“Amateur radio services” has the meaning ascribed to it in 47 C.F.R. § 97.3.*

(b) *“Amateur service communications” means communications carried out by one or more of the amateur radio services.*

(c) *“Amateur station” has the meaning ascribed to it in 47 C.F.R. § 97.3.*

(d) *“Station antenna structure” means the antenna that serves an amateur station, including such appurtenances and other structures as may be necessary to support, stabilize, raise, lower or otherwise adjust the antenna.*

**Sec. 2.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in this section, a covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the use of, or the transfer, sale or any other interest in real property is void and unenforceable to the extent that the covenant, restriction or condition:*

*(a) Precludes amateur service communications; or*

*(b) Unreasonably restricts the placement, screening or height of a station antenna structure used in amateur service communications, including, without limitation, by placing a restriction or requirement on the use of a station antenna structure that:*

*(1) Significantly decreases the performance of the station antenna structure; and*

*(2) Does not allow for the use of an alternative station antenna structure at a comparable cost and with comparable efficiency and performance.*

*2. The provisions of this section do not apply to any district organized pursuant to federal, state or local law for the purpose of historic or architectural preservation.*

*3. As used in this section:*

(a) *“Amateur radio services” has the meaning ascribed to it in 47 C.F.R. § 97.3.*

(b) *“Amateur service communications” means communications carried out by one or more of the amateur radio services.*

(c) *“Amateur station” has the meaning ascribed to it in 47 C.F.R. § 97.3.*

(d) *“Station antenna structure” means the antenna that serves an amateur station, including such appurtenances and other structures as may be necessary to support, stabilize, raise, lower or otherwise adjust the antenna.*

**Sec. 4.** A governing body shall review any ordinance, regulation or plan that it has adopted or action it has taken before October 1, 2001,

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1 relating to amateur service communications to determine whether such an  
2 ordinance, regulation, plan or action conforms to the provisions of 47  
3 C.F.R. § 97.15 and the limited preemption entitled "Amateur Radio  
4 Preemption, 101 F.C.C. 2d 952 (1985)" as issued by the Federal  
5 Communications Commission.

6 **Sec. 5.** The provisions of subsection 1 of section 3 of this act do not  
7 apply to a covenant, restriction or condition contained in a deed, contract or  
8 other legal instrument which is executed and recorded before October 1,  
9 2001.

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