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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4335

(By Mr. Speaker, Mr. Kiss, and Delegates Spencer,
Staton and Stemple)



Passed February 26, 2002

In Effect Ninety Days from Passage

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FOR

H. B. 4335

(BY MR. SPEAKER, MR. KISS, AND DELEGATES SPENCER,
STATON AND STEMPLE)

[Passed February 26, 2002; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen; and that article twelve, chapter eight of said code be amended by adding thereto a new section, designated section five-c, all relating to requiring any municipal or county ordinance or order concerning the regulation or placement of amateur radio antennas meet certain requirements and comply with Federal Communications Commission regulations, rulings and orders.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen; and that article

twelve, chapter eight of said code be amended by adding thereto a new section, designated section five-c, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-14. Regulation of amateur radio antennas.

1 (a) Any county ordinance or order concerning the regula-
2 tion or placement of amateur radio antennas must:

3 (1) Comply with all Federal Communications Commission
4 regulations and its rulings and orders;

5 (2) Reasonably accommodate amateur radio communica-
6 tions; and

7 (3) Represent the minimum practicable regulation to
8 accomplish the county's legitimate purpose.

9 (b) Nothing in this section shall be deemed to prohibit a
10 county commission from taking action to protect or preserve
11 historic buildings, structures, sites and districts that have been
12 established by federal, state or local law.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
RELATIONS OF MUNICIPALITIES, GOVERNING
BODIES AND MUNICIPAL OFFICERS AND EMPLOY-
EES; SUITS AGAINST MUNICIPALITIES.**

§8-12-5c. Regulation of amateur radio antennas.

1 (a) Any municipal ordinance or order concerning the
2 regulation or placement of amateur radio antennas must:

3 (1) Comply with all Federal Communications Commission
4 regulations and its rulings and orders;

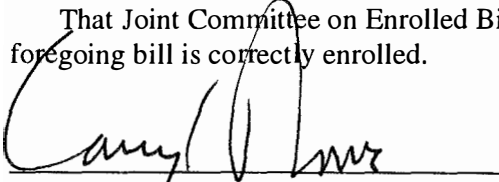
5 (2) Reasonably accommodate amateur radio communica-
6 tions; and

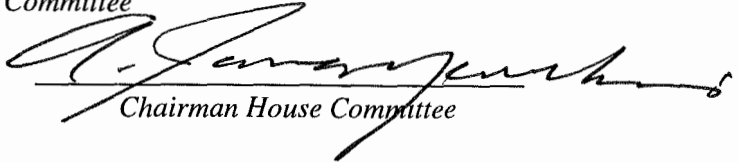
7 (3) Represent the minimum practicable regulation to
8 accomplish the municipality's legitimate purpose.

9 (b) Nothing in this section shall be deemed to prohibit a
10 municipal governing body from taking action to protect or
11 preserve historic buildings, structures, sites and districts that
12 have been established by federal, state or local law.

Enr. Com. Sub. for H. B. 4335] 4

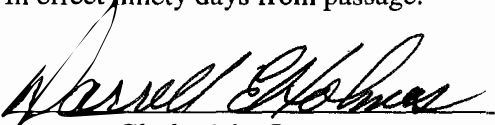
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

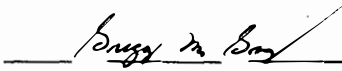

Chairman Senate Committee

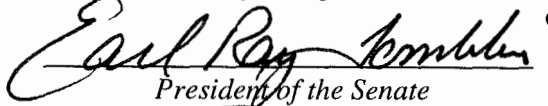

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

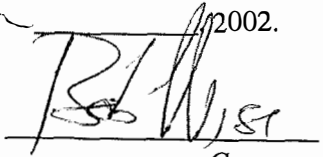

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within ^{is} approved this the 14th
day of March 2002.


Governor

3/1/02
1:45pm