

The simplest restriction on a locality is that it cannot consider the potential of interference to home electronic equipment, public service communications, and so forth. The interference preemption cases are quite plain.

***Broyde v. Gotham Tower***, 13 F.3d 994, 997 (6th Cir. 1994), <http://pacer.ca6.uscourts.gov/cgi-bin/getopn.pl?OPINION=94a0007p.06.html> (FL. Affirmed dismissal of nuisance suit regarding interference with home electronic equipment because interference falls within the FCC's exclusive jurisdiction over radio transmission technical matters).

***Southwestern Bell Wireless Inc. v. Johnson County Board Of County Commissioners***, 199 F.3d 1185, 1193 (10th Cir. 1999), cert. denied, 2000 WL 343599 (2000), U.S. S. Ct. Dkt. No. 99-1575, 529 U.S. \_\_\_\_ (2000), <http://lawdns.wuacc.edu/ca10/cases/1999/12/98-3264.htm>, <http://www.kscourt.org/ca10/cases/1999/12/98-3264.html>, <http://laws.findlaw.com/10th/983264.html> (KS. Allowing local zoning authorities to condition construction and use permits on any requirement to eliminate or remedy interference "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.")

***Freeman v. Burlington Broadcasters***, 204 F. 3d 311 (2d Cir. 2000), cert. denied, 531 U.S. 917 (2000) <http://www.tourolaw.edu/2ndCircuit/February00/97-9141.html> (VT. Found that "given the FCC's pervasive regulation in this area", allowing local zoning authorities to condition construction and use permits on any requirement to eliminate or remedy RF interference to public service communications "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress")

For a review of the field, see "The Ghost in the Computer: Radio Frequency Interference and the Doctrine of Federal Preemption", Brock, Computer Law Review and Technology Journal (1999), pp. 17-36.

## Summary

Pity the drafters of a local ordinance. The task is not simple when the meaning of "reasonable accommodation" is not plain. Nonetheless, it can be done.

## Questions to the Locality

A locality must answer "yes" to each of the following questions:

- Is the ordinance crafted to reasonably accommodate amateur communications?
- Does the ordinance represent the minimum practicable regulation to accomplish the authority's legitimate purpose?
- Will the permit granting authority approach each application with an open