

Report of the Amateur Radio Legal Defense & Assistance Committee 2014 Second Meeting of the ARRL Board of Directors – July, 2014

Committee Members: Director Cliff Ahrens, KØCA, Chairman; Director Jim Pace K7CEX; Vice Director Mike Raisbeck, K1TWF; Vice Director Jim Tiemstra K6JAT; Vice Director Marty Woll N6VI; General Counsel Chris Imlay, W3KD; and Jim O’Connell, W9WU.

Committee Activities

The Amateur Radio Legal Defense & Assistance Committee (ARLDAC) is charged with evaluating individual requests for financial assistance from amateurs involved in legal, legislative, or regulatory activities relating to Amateur Radio. The sole source of funding awards is the ARRL Legal Research and Resource Fund.

On June 2, 2014, the ARLDAC received a request from the Poway (CA) Amateur Radio Society for funding in the amount of \$3,000 to help pay for an experienced land-use attorney’s fees to seek changes to an ordinance which imposes a fixed 35-foot limit on the height of all structures within the city limits of the City of Poway, California. In this highly visible matter, Southwestern Division Director Norton and Vice-Director Woll have spoken at City Council meetings and there has been substantial support from local radio amateurs. Director Norton and Vice Director Woll advised the Committee that they believe this matter falls within ARLDAC Guideline 2(d) concerning “initiatives involving laws, bylaws, or regulations, which do or may impact the ability of Amateur Radio operators to deploy effective antennas.” They reasonably expect that the outcome of this matter will be considered by other jurisdictions in evaluating antenna restrictions. Although several committee members expressed concerns about the precedential value, the Committee by majority vote approved the requested funding.

The matter of the challenge of Myles Landstein, N2EHG, to the ordinance of the town of LaGrangeville, NY on its face and as applied to Mr. Landstein is still pending. As previously reported to the Board, the ARRL grant funding of \$10,000 approved by the ARLDAC has been distributed to the trust account of Mr. Landstein’s attorney, Mr. Jon Adams. The funds, or such lesser amount as may be necessary, are to be used to help with attorney’s fees and costs reasonably incurred by Mr. Landstein in challenging the city’s ordinance and determination thereunder that an Amateur Radio antenna is not a normal, customary accessory use to residential real property, and to challenge the city’s assessment of arbitrary and excessive fees to an applicant for a Special Use Permit or Variance for an Amateur Radio antenna. Counsel Imlay has provided several memoranda of law to Mr. Landstein’s counsel.

There are no other matters presently pending before the committee.

Cliff Ahrens

Cliff Ahrens, KØCA
Chairman

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