

By: Senator(s) King

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2506

1 AN ACT TO REQUIRE ANY PERSON WHO PLANS TO CONSTRUCT A
2 TELECOMMUNICATIONS TOWER IN AN UNINCORPORATED AREA TO PROVIDE
3 NOTICE BY CERTIFIED MAIL TO THE COUNTY BOARD OF SUPERVISORS AND TO
4 ADJACENT LANDOWNERS; TO REQUIRE SUCH PERSONS TO GIVE NOTICE BY
5 PUBLICATION; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THE
6 ACT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) As used in this section, unless the context
9 clearly requires otherwise:

10 (a) Residential dwelling means a building used or
11 intended to be used as a personal residence by the owner,
12 part-time owner or lessee of the building, or any person
13 authorized by such a person to use the building as a personal
14 residence.

15 (b) Telecommunications tower means any free-standing
16 structure, or any structure to be attached to a building or other
17 structure, that is proposed to be owned or principally used by a
18 public utility engaged in the provision of telecommunications
19 services.

20 (2) Any person who plans to construct a telecommunications
21 tower in an unincorporated area shall provide both of the
22 following by certified mail:

23 (a) Written notice to the board of supervisors in which
24 the tower is proposed to be constructed and to each owner of
25 property, as shown on the county's current tax list, whose land is
26 contiguous to or directly across a street or roadway from the
27 property on which the tower is proposed to be constructed. If the
28 notice to the board of supervisors or to a property owner is
29 returned unclaimed or refused, the person shall mail the notice by



30 regular mail. The failure of delivery of the notice does not
31 invalidate the notice. Such notice shall state all of the
32 following in clear and concise language:

33 (i) The person's intent to construct the tower;
34 and

35 (ii) A description of the property sufficient to
36 identify the proposed location.

37 (b) Written notice of the information specified in
38 paragraph (a) of this subsection to any owner of, or any person
39 occupying, a residential dwelling located within one hundred (100)
40 feet from telecommunications tower. If the notice is returned
41 unclaimed or refused, the person shall mail the notice by regular
42 mail. The failure of delivery of the notice does not invalidate
43 the notice.

44 (3) Any person who plans to construct a telecommunications
45 tower in an unincorporated area shall give notice thereof by
46 publication. Such notice shall be published for three (3) weeks
47 in a newspaper published in the county in which the proposed tower
48 is to be constructed, or in a county having a general circulation
49 in such county, and shall contain the information specified in
50 paragraph (a) of subsection (2).

51 (4) Any person who violates the provisions of this section
52 may upon conviction be subject to a fine not exceeding Five
53 Hundred Dollars (\$500.00) per violation.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2003.

