AN ACT TO AMEND SECTION 17-1-1, MISSISSIPPI CODE OF 1972, TO
DEFINE THE TERM "AMATEUR RADIO SERVICE"; TO AMEND SECTION 17-1-3,
MISSISSIPPI CODE OF 1972, TO RESTRICT THE POWER OF LOCAL
GOVERNMENTS TO REGULATE ANTENNAE USED SOLELY FOR TRANSMISSION OF
AMATEUR RADIO SIGNALS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 17-1-1, Mississippi Code of 1972, is
amended as follows:

17-1-1. The following words, whenever used in this chapter,
shall, unless a different meaning clearly appears from the
context, have the following meanings:

(a) "Municipality" means any incorporated city, town or
village within the state.

(b) "Governing authority" or "governing authorities,"
in the case of counties, means the board of supervisors of the
county, and, in the case of municipalities, means the council,
board, commissioners or other legislative body charged by law with
governing the municipality.

(c) "Comprehensive plan" means a statement of public
policy for the physical development of the entire municipality or
county adopted by resolution of the governing body, consisting of
the following elements at a minimum:

(i) Goals and objectives for the long-range
(twenty (20) to twenty-five (25) years) development of the county
or municipality. Required goals and objectives shall address, at
a minimum, residential, commercial and industrial development;
parks, open space and recreation; street or road improvements;
public schools and community facilities.
(ii) A land use plan which designates in map or policy form the proposed general distribution and extent of the uses of land for residences, commerce, industry, recreation and open space, public/quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category.

(iii) A transportation plan depicting in map form the proposed functional classifications for all existing and proposed streets, roads and highways for the area encompassed by the land use plan and for the same time period as that covered by the land use plan. Functional classifications shall consist of arterial, collector and local streets, roads and highways, and these classifications shall be defined on the plan as to minimum right-of-way and surface width requirements; these requirements shall be based upon traffic projections. All other forms of transportation pertinent to the local jurisdiction shall be addressed as appropriate. The transportation plan shall be a basis for a capital improvements program.

(iv) A community facilities plan as a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage.

(d) "Amateur radio service" means those individuals and stations licensed by the Federal Communications Commission to broadcast amateur radio signals regardless of the transmission mode.
SECTION 2. Section 17-1-3, Mississippi Code of 1972, is amended as follows:

17-1-3. (1) Except as otherwise provided in Article VII of the Chickasaw Trail Economic Development Compact described in Section 57-36-1, for the purpose of promoting health, safety, morals, or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing authority of any county, in its discretion, are empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required with reference to land used for agricultural purposes, including forestry activities as defined in Section 95-3-29(2)(c), or for the erection, maintenance, repair or extension of farm buildings or farm structures, including forestry buildings and structures, outside the corporate limits of municipalities. The governing authority of each county and municipality may create playgrounds and public parks, and for these purposes, each of such governing authorities shall possess the power, where requisite, of eminent domain and the right to apply public money thereto, and may issue bonds therefor as otherwise permitted by law.

(2) The governing authority of any municipality and the board of supervisors of any county may not regulate amateur radio service antenna installations in a manner inconsistent with any provision of federal statute, regulation, rule or directive, provided the installation is limited solely to amateur radio signals and the installation is less than two hundred (200) but more than seventy-five (75) feet above ground level. No regulation whatsoever shall be allowed with respect to amateur radio service antenna installations that are seventy-five (75)
feet or less above ground level if the installation is limited
solely to amateur radio signals.

SECTION 3. This act shall take effect and be in force from
and after its passage.