

By: Representatives Masterson, Bondurant,
Denny

To: Public Utilities

HOUSE BILL NO. 736

1 AN ACT TO AMEND SECTION 17-1-1, MISSISSIPPI CODE OF 1972, TO
2 DEFINE THE TERM "AMATEUR RADIO SERVICE"; TO AMEND SECTION 17-1-3,
3 MISSISSIPPI CODE OF 1972, TO PROHIBIT UNREASONABLE REGULATION OF
4 AMATEUR RADIO ANTENNA STRUCTURES BY ANY MUNICIPALITY OR COUNTY;
5 AND FOR RELATED PURPOSES.

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

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

9 17-1-1. The following words, whenever used in this chapter,
10 shall, unless a different meaning clearly appears from the
11 context, have the following meanings:

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

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

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

23 (i) Goals and objectives for the long-range
24 (twenty (20) to twenty-five (25) years) development of the county
25 or municipality. Required goals and objectives shall address, at
26 a minimum, residential, commercial and industrial development;
27 parks, open space and recreation; street or road improvements;
28 public schools and community facilities.

29 (ii) A land use plan which designates in map or
30 policy form the proposed general distribution and extent of the
31 uses of land for residences, commerce, industry, recreation and
32 open space, public/quasi-public facilities and lands. Background
33 information shall be provided concerning the specific meaning of
34 land use categories depicted in the plan in terms of the
35 following: residential densities; intensity of commercial uses;
36 industrial and public/quasi-public uses; and any other information
37 needed to adequately define the meaning of such land use codes.
38 Projections of population and economic growth for the area
39 encompassed by the plan may be the basis for quantitative
40 recommendations for each land use category.

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

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

57 (d) "Amateur radio service" means those individuals and
58 stations licensed by the Federal Communications Commission to
59 broadcast amateur radio signals regardless of the transmission
60 mode.

61 **SECTION 2.** Section 17-1-3, Mississippi Code of 1972, is
62 amended as follows:

63 17-1-3. (1) Except as otherwise provided in Article VII of
64 the Chickasaw Trail Economic Development Compact described in
65 Section 57-36-1, for the purpose of promoting health, safety,
66 morals, or the general welfare of the community, the governing
67 authority of any municipality, and, with respect to the
68 unincorporated part of any county, the governing authority of any
69 county, in its discretion, are empowered to regulate the height,
70 number of stories and size of building and other structures, the
71 percentage of lot that may be occupied, the size of the yards,
72 courts and other open spaces, the density of population, and the
73 location and use of buildings, structures and land for trade,
74 industry, residence or other purposes, but no permits shall be
75 required with reference to land used for agricultural purposes,
76 including forestry activities as defined in Section 95-3-29(2)(c),
77 or for the erection, maintenance, repair or extension of farm
78 buildings or farm structures, including forestry buildings and
79 structures, outside the corporate limits of municipalities. The
80 governing authority of each county and municipality may create
81 playgrounds and public parks, and for these purposes, each of such
82 governing authorities shall possess the power, where requisite, of
83 eminent domain and the right to apply public money thereto, and
84 may issue bonds therefor as otherwise permitted by law.

85 (2) Local land use regulation ordinances involving the
86 placement, screening, or height of amateur radio antenna
87 structures must reasonably accommodate amateur communications and
88 must constitute the minimum practicable regulation to accomplish
89 local authorities' legitimate purposes of addressing health,
90 safety, welfare and aesthetic considerations. Judgments as to the
91 types of reasonable accommodation to be made and the minimum
92 practicable regulation necessary to address these purposes will be

93 determined by local governing authorities within the parameters of
94 the law.

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