

By: Representatives Masterson, Bondurant

To: Judiciary A

HOUSE BILL NO. 443

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) All municipal and/or county zoning ordinances shall  
86 reasonably accommodate the amateur radio community by allowing  
87 antenna structures to be erected at heights and dimensions that  
88 are sufficient to accommodate effective amateur radio service  
89 communications. A municipality or county may provide reasonable  
90 regulation of such structures, however, such regulation shall not  
91 preclude operations.

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