

By: Senator(s) Michel

To: Municipalities; County  
Affairs

SENATE BILL NO. 2709

1 AN ACT TO AMEND SECTION 17-1-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT MUNICIPAL AND COUNTY ORDINANCES INVOLVING THE  
3 PLACEMENT, SCREENING OR HEIGHT OF AMATEUR RADIO ANTENNA STRUCTURES  
4 SHALL REASONABLY ACCOMMODATE AMATEUR COMMUNICATIONS AND SHALL  
5 CONSTITUTE THE MINIMUM PRACTICABLE REGULATION TO ACCOMPLISH THE  
6 LEGITIMATE PURPOSES OF ADDRESSING HEALTH, SAFETY, WELFARE AND  
7 AESTHETIC CONSIDERATIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 17-1-3, Mississippi Code of 1972, is  
10 amended as follows:

11 17-1-3. (1) Except as otherwise provided in Article VII of  
12 the Chickasaw Trail Economic Development Compact described in  
13 Section 57-36-1, for the purpose of promoting health, safety,  
14 morals, or the general welfare of the community, the governing  
15 authority of any municipality, and, with respect to the  
16 unincorporated part of any county, the governing authority of any  
17 county, in its discretion, are empowered to regulate the height,  
18 number of stories and size of building and other structures, the  
19 percentage of lot that may be occupied, the size of the yards,  
20 courts and other open spaces, the density of population, and the  
21 location and use of buildings, structures and land for trade,  
22 industry, residence or other purposes, but no permits shall be  
23 required with reference to land used for agricultural purposes,  
24 including forestry activities as defined in Section 95-3-29(2)(c),  
25 or for the erection, maintenance, repair or extension of farm  
26 buildings or farm structures, including forestry buildings and  
27 structures, outside the corporate limits of municipalities. The  
28 governing authority of each county and municipality may create  
29 playgrounds and public parks, and for these purposes, each of such

30 governing authorities shall possess the power, where requisite, of  
31 eminent domain and the right to apply public money thereto, and  
32 may issue bonds therefor as otherwise permitted by law.

33 (2) Municipal and county land use regulation ordinances  
34 involving the placement, screening or height of amateur radio  
35 antenna structures shall reasonably accommodate amateur  
36 communications and shall constitute the minimum practicable  
37 regulation to accomplish the governing authorities' legitimate  
38 purposes of addressing health, safety, welfare and aesthetic  
39 considerations. Judgments as to the types of reasonable  
40 accommodation to be made and the minimum practicable regulation  
41 necessary to address these purposes shall be determined by local  
42 governing authorities within the parameters of the law.

43 **SECTION 2.** This act shall take effect and be in force from  
44 and after July 1, 2006.