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ZONING & PLANNING - MISSISSIPPI

Busby Outdoor LLC v. City of Jackson

Supreme Court of Mississippi - August 28, 2025 - So.3d - 2025 WL 2475952

City, its former mayor, and a limited liability company (LLC) brought action against the Mississippi Department of Agriculture and Commerce (MDAC) and the operator of a billboard that was owned by MDAC and located on the State Fairgrounds seeking declaratory and injunctive relief based on claims that the billboard violated the city's sign ordinance and a zoning ordinance.

MDAC filed motion to dismiss and billboard operator filed motion to dismiss or for summary judgment.

The Chancery Court denied the motions to dismiss but dismissed former mayor and LLC for lack of standing, found that the billboard violated city's sign ordinance and was therefore a public nuisance, and issued a temporary injunction. MDAC filed motion to clarify or for entry of final judgment and motion for stay pending appeal, and both MDAC and billboard operator filed notices of appeal. The Chancery Court subsequently granted the motion to clarify and denied the motion for stay. Billboard operator petitioned for interlocutory appeal, which was granted, and the appeals were consolidated and the trial court proceedings were stayed.

The Supreme Court held that city's ordinance did not apply to the billboard.

City ordinance governing billboards did not apply to billboard owned by Mississippi Department of Agriculture and Commerce (MDAC) and located on State Fairgrounds; statutes that empowered municipalities to pass and enforce zoning laws such as the ordinance at issue did not specifically provide for such laws to be applicable against the state, and statutes empowering MDAC to use its property, including the State Fairgrounds, did not specifically subject MDAC to municipal zoning laws.

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