

By: Representative Montgomery

To: Municipalities

HOUSE BILL NO. 1195

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY ARE NOT
3 AUTHORIZED TO REGULATE RIGHTS OF ENTRY TO PRIVATE RESIDENTIAL
4 PROPERTY IN WHICH THE MUNICIPALITY DOES NOT HAVE A PROPERTY
5 INTEREST; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 21-17-5, Mississippi Code of 1972, is
8 amended as follows:

9 21-17-5. (1) The governing authorities of every
10 municipality of this state shall have the care, management and
11 control of the municipal affairs and its property and finances.
12 In addition to those powers granted by specific provisions of
13 general law, the governing authorities of municipalities shall
14 have the power to adopt any orders, resolutions or ordinances with
15 respect to such municipal affairs, property and finances which are
16 not inconsistent with the Mississippi Constitution of 1890, the
17 Mississippi Code of 1972, or any other statute or law of the State
18 of Mississippi, and shall likewise have the power to alter, modify
19 and repeal such orders, resolutions or ordinances. Except as
20 otherwise provided in subsection (2) of this section, the powers
21 granted to governing authorities of municipalities in this section
22 are complete without the existence of or reference to any specific
23 authority granted in any other statute or law of the State of
24 Mississippi. Unless otherwise provided by law, before entering
25 upon the duties of their respective offices, the aldermen or
26 councilmen of every municipality of this state shall give bond,
27 with sufficient surety, to be payable, conditioned and approved as

28 provided by law, in a penalty equal to five percent (5%) of the
29 sum of all the municipal taxes shown by the assessment rolls and
30 the levies to have been collectible in the municipality for the
31 year immediately preceding the commencement of the term of office
32 of said alderman or councilman; however, such bond shall not
33 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).
34 Any taxpayer of the municipality may sue on such bond for the use
35 of the municipality, and such taxpayer shall be liable for all
36 costs in case his suit shall fail. No member of the city council
37 or board of aldermen shall be surety for any other such member.

38 (2) Unless such actions are specifically authorized by
39 another statute or law of the State of Mississippi, this section
40 shall not authorize the governing authorities of a municipality to
41 (a) levy taxes of any kind or increase the levy of any authorized
42 tax, (b) issue bonds of any kind, (c) change the requirements,
43 practices or procedures for municipal elections or establish any
44 new elective office, (d) change the procedure for annexation of
45 additional territory into the municipal boundaries, (e) change the
46 structure or form of the municipal government, (f) permit the
47 sale, manufacture, distribution, possession or transportation of
48 alcoholic beverages, (g) grant any donation, or (h) without prior
49 legislative approval, regulate, directly or indirectly, rights of
50 entry to or the amount of rent charged for leasing private
51 residential property in which the municipality does not have a
52 property interest.

53 (3) Nothing in this or any other section shall be construed
54 so as to prevent any municipal governing authority from paying any
55 municipal employee not to exceed double his ordinary rate of pay
56 or awarding any municipal employee not to exceed double his
57 ordinary rate of compensatory time for work performed in his
58 capacity as a municipal employee on legal holidays.

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 1999.