

By: Senator(s) Minor

To: Municipalities

SENATE BILL NO. 2939

1 AN ACT TO AMEND SECTION 21-17-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE POWER OF A MUNICIPALITY REGARDING REGULATION OF CERTAIN
3 PRIVATE PROPERTY; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
4 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

8 [Until Laws, 1998, ch. 315, § 1, is effectuated under Section
9 5 of the Voting Rights Act of 1965, this section will read as
10 follows:]

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

27 (2) Unless such actions are specifically authorized by

28 another statute or law of the State of Mississippi, this section
29 shall not authorize the governing authorities of a municipality to
30 (a) levy taxes of any kind or increase the levy of any authorized
31 tax, (b) issue bonds of any kind, (c) change the requirements,
32 practices or procedures for municipal elections or establish any
33 new elective office, (d) change the procedure for annexation of
34 additional territory into the municipal boundaries, (e) change the
35 structure or form of the municipal government, (f) permit the
36 sale, manufacture, distribution, possession or transportation of
37 alcoholic beverages, (g) grant any donation or (h), without prior
38 legislative approval, regulate, directly or indirectly, rights of
39 entry to or the amount of rent charged for leasing private
40 residential property in which the municipality does not have a
41 property interest.

42 (3) Nothing in this or any other section shall be construed
43 so as to prevent any municipal governing authority from paying any
44 municipal employee not to exceed double his ordinary rate of pay
45 or awarding any municipal employee not to exceed double his
46 ordinary rate of compensatory time for work performed in his
47 capacity as a municipal employee on legal holidays.

48 **[From and after the date Laws, 1998, ch. 315, § 1, is**
49 **effectuated under Section 5 of the Voting Rights Act of 1965, this**
50 **section will read as follows:]**

51 21-17-5. (1) The governing authorities of every
52 municipality of this state shall have the care, management and
53 control of the municipal affairs and its property and finances.
54 In addition to those powers granted by specific provisions of
55 general law, the governing authorities of municipalities shall
56 have the power to adopt any orders, resolutions or ordinances with
57 respect to such municipal affairs, property and finances which are
58 not inconsistent with the Mississippi Constitution of 1890, the
59 Mississippi Code of 1972, or any other statute or law of the State
60 of Mississippi, and shall likewise have the power to alter, modify

61 and repeal such orders, resolutions or ordinances. Except as
62 otherwise provided in subsection (2) of this section, the powers
63 granted to governing authorities of municipalities in this section
64 are complete without the existence of or reference to any specific
65 authority granted in any other statute or law of the State of
66 Mississippi. Unless otherwise provided by law, before entering
67 upon the duties of their respective offices, the aldermen or
68 councilmen of every municipality of this state shall give bond,
69 with sufficient surety, to be payable, conditioned and approved as
70 provided by law, in a penalty equal to five percent (5%) of the
71 sum of all the municipal taxes shown by the assessment rolls and
72 the levies to have been collectible in the municipality for the
73 year immediately preceding the commencement of the term of office
74 of said alderman or councilman; however, such bond shall not
75 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).
76 Any taxpayer of the municipality may sue on such bond for the use
77 of the municipality, and such taxpayer shall be liable for all
78 costs in case his suit shall fail. No member of the city council
79 or board of aldermen shall be surety for any other such member.

80 (2) Unless such actions are specifically authorized by
81 another statute or law of the State of Mississippi, this section
82 shall not authorize the governing authorities of a municipality to
83 (a) levy taxes of any kind or increase the levy of any authorized
84 tax, (b) issue bonds of any kind, (c) change the requirements,
85 practices or procedures for municipal elections or establish any
86 new elective office, (d) change the procedure for annexation of
87 additional territory into the municipal boundaries, (e) change the
88 structure or form of the municipal government, (f) permit the
89 sale, manufacture, distribution, possession or transportation of
90 alcoholic beverages, (g) grant any donation, or (h) without prior
91 legislative approval, regulate, directly or indirectly, rights of
92 entry to or the amount of rent charged for leasing private
93 residential property in which the municipality does not have a

94 property interest.

95 (3) Nothing in this or any other section shall be construed
96 so as to prevent any municipal governing authority from paying any
97 municipal employee not to exceed double his ordinary rate of pay
98 or awarding any municipal employee not to exceed double his
99 ordinary rate of compensatory time for work performed in his
100 capacity as a municipal employee on legal holidays.

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