

By: Representative Denny

To: Municipalities; County  
Affairs

HOUSE BILL NO. 318

1 AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE VOTE REQUIREMENTS OF THE MEMBERS OF THE GOVERNING  
3 AUTHORITIES OF MUNICIPALITIES OR MEMBERS OF THE BOARDS OF  
4 SUPERVISORS OF COUNTIES FOR A CHANGE IN ZONING REGULATIONS,  
5 RESTRICTIONS OR BOUNDARIES; AND FOR RELATED PURPOSES.

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

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

9 17-1-17. Zoning regulations, restrictions and boundaries  
10 may, from time to time, be amended, supplemented, changed,  
11 modified or repealed upon at least fifteen (15) days' notice of a  
12 hearing on such amendment, supplement, change, modification or  
13 repeal, said notice to be given in an official paper or a paper of  
14 general circulation in such municipality or county specifying a  
15 time and place for said hearing. The governing authorities or any  
16 municipal agency or commission, which by ordinance has been  
17 theretofore so empowered, may provide in such notice that the same  
18 shall be held before the city engineer or before an advisory  
19 committee of citizens as hereinafter provided and if the hearing  
20 is held before the said engineer or advisory committee it shall  
21 not be necessary for the governing body to hold such hearing but  
22 may act upon the recommendation of the city engineer or advisory  
23 committee. Provided, however, that any party aggrieved with the  
24 recommendation of the city engineer or advisory committee shall be  
25 entitled to a public hearing before the governing body of the  
26 city, with due notice thereof after publication for the time and  
27 as provided in this section. The governing authorities of a  
28 municipality which had a population in excess of one hundred forty

29 thousand (140,000) according to the 1960 census, or of a  
30 municipality which is the county seat of a county bordering on the  
31 Gulf of Mexico and the State of Alabama or of a municipality which  
32 had a population in excess of forty thousand (40,000) according to  
33 the 1970 census and which is within a county bordering on the Gulf  
34 of Mexico may enact an ordinance restricting such hearing to the  
35 record as made before the city engineer or advisory committee of  
36 citizens as hereinabove provided.

37 In case of a protest against such change signed by the owners  
38 of twenty percent (20%) or more, either of the area of the lots  
39 included in such proposed change, or of those immediately adjacent  
40 to the rear thereof, extending one hundred sixty (160) feet  
41 therefrom or of those directly opposite thereto, extending one  
42 hundred sixty (160) feet from the street frontage of such opposite  
43 lots, such amendment shall not become effective except by the  
44 favorable vote of a majority of all the members of the legislative  
45 body of such municipality or county.

46 **SECTION 2.** The Attorney General of the State of Mississippi  
47 shall submit this act, immediately upon approval by the Governor,  
48 or upon approval by the Legislature subsequent to a veto, to the  
49 Attorney General of the United States or to the United States  
50 District Court for the District of Columbia in accordance with the  
51 provisions of the Voting Rights Act of 1965, as amended and  
52 extended.

53 **SECTION 3.** This act shall take effect and be in force from  
54 and after the date it is effectuated under Section 5 of the Voting  
55 Rights Act of 1965, as amended and extended.