

By: Representative Touchstone

To: Municipalities

HOUSE BILL NO. 1428

1 AN ACT TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A  
2 MUNICIPALITY SHALL CEDE CONTROL OVER ZONING, SUBDIVISION OR  
3 ALCOHOL REGULATIONS TO THE BOARD OF SUPERVISORS OF THE COUNTY IN  
4 WHICH THE TERRITORY TO BE ANNEXED IS LOCATED IF A CERTAIN NUMBER  
5 OF PEOPLE RESIDING IN THE TERRITORY ARE NOT INCLUDED IN THE  
6 PROPOSED ANNEXATION; TO AMEND SECTIONS 21-1-27 AND 21-1-33,  
7 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 21-1-27, Mississippi Code of 1972, is  
10 amended as follows:

11 21-1-27. (1) For the purposes of this section, "census  
12 block" refers to certain geographic areas as designated by the  
13 most recent decennial United States Census preceding any  
14 annexation under this section.

15 (2) The limits and boundaries of existing cities, towns and  
16 villages shall remain as now established until altered in the  
17 manner \* \* \* provided in this chapter.

18 (3) When any municipality \* \* \* desires to enlarge \* \* \* its  
19 boundaries \* \* \* by adding \* \* \* adjacent unincorporated



20 territory \* \* \*, the governing authorities of \* \* \* the  
21 municipality shall pass an ordinance:

22 (a) Defining with certainty the territory proposed to  
23 be included in \* \* \* the corporate limits \* \* \*;

24 (b) Defining the entire boundary as changed \* \* \*;

25 (c) Describing the proposed improvements to be made in  
26 the annexed territory, the manner and extent of \* \* \* those  
27 improvements, and the approximate time within which \* \* \* those  
28 improvements are to be made; \* \* \*

29 (d) Stating the municipal or public services \* \* \* that  
30 the municipality proposes to render in \* \* \* the annexed  
31 territory \* \* \*; and

32 (e) (i) Certifying that more than fifty percent (50%)  
33 of the people who reside in the unincorporated area of the census  
34 block within which the territory proposed to be annexed is located  
35 shall be included in the proposed annexation; or

36 (ii) If fifty percent (50%) or fewer people who  
37 reside in the unincorporated area of the census block within which  
38 the territory proposed to be annexed is located, certifying that  
39 upon approval of the annexation, the municipality shall cede any  
40 authority to provide zoning, subdivision and alcohol regulation to  
41 the board of supervisors of the county in which the territory is  
42 located.

43 (4) \* \* \* When any municipality \* \* \* desires to contract  
44 its boundaries by excluding any part of its incorporated



45 territory, the governing authorities of the municipality shall  
46 pass an ordinance that defines with certainty the territory  
47 proposed to be excluded from the corporate limits and defines the  
48 entire boundary as changed. \* \* \* The ordinance also shall  
49 contain a statement of the reasons for \* \* \* the contraction and a  
50 statement showing whereby the public convenience and necessity  
51 would be served \* \* \* by the contraction.

52 **SECTION 2.** Section 21-1-33, Mississippi Code of 1972, is  
53 amended as follows:

54 21-1-33. (1) If the chancellor finds from the evidence  
55 presented at \* \* \* the hearing that the proposed enlargement or  
56 contraction is reasonable and is required by the public  
57 convenience and necessity and, in the event of an enlargement of a  
58 municipality, that reasonable public and municipal services will  
59 be rendered in the annexed territory within a reasonable time and  
60 that the governing authority of the municipality complied with the  
61 provisions of Section 21-1-27(3), the chancellor shall enter a  
62 decree approving, ratifying and confirming the proposed  
63 enlargement or contraction, and describing the boundaries of the  
64 municipality as altered. In so doing the chancellor shall have  
65 the right and the power to modify the proposed enlargement or  
66 contraction by decreasing the territory to be included in or  
67 excluded from \* \* \* the municipality, as the case may be.

68 (2) If the chancellor shall find from the evidence that the  
69 proposed enlargement or contraction, as the case may be, is



70 unreasonable and is not required by the public convenience and  
71 necessity, or in the event of an enlargement of a municipality,  
72 that the governing authority of the municipality failed to comply  
73 with the provisions of Section 21-1-27(3), then he shall enter a  
74 decree denying \* \* \* the enlargement or contraction.

75 (3) In any event, the decree of the chancellor shall become  
76 effective after the passage of ten (10) days from the date thereof  
77 or, in event an appeal is taken therefrom, within ten (10) days  
78 from the final determination of \* \* \* the appeal. In any  
79 proceeding under this section the burden shall be upon the  
80 municipal authorities to show that the proposed enlargement or  
81 contraction is reasonable.

82 **SECTION 3.** Any action on an ordinance proposing the  
83 enlargement of municipal boundaries that is pending before a court  
84 on the effective date of this act as a result of any prior law  
85 shall be withdrawn, and the governing authorities of any  
86 municipality may only annex unincorporated territory in the manner  
87 permitted in this chapter.

88 **SECTION 4.** This act shall take effect and be in force from  
89 and after July 1, 2016.

