

By: Senator(s) Polk, Hudson, Fillingane

To: County Affairs

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2198

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

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

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

12 21-1-27. (1) The limits and boundaries of existing cities,
13 towns and villages shall remain as now established until altered
14 in the manner hereinafter provided. When any municipality shall
15 desire to enlarge or contract the boundaries thereof by adding
16 thereto adjacent unincorporated territory or excluding therefrom
17 any part of the incorporated territory of such municipality, the
18 governing authorities of such municipality shall pass an ordinance
19 defining with certainty the territory proposed to be included in
20 or excluded from the corporate limits, and also defining the
21 entire boundary as changed. In the event the municipality desires



22 to enlarge such boundaries, such ordinance shall in general terms
23 describe the proposed improvements to be made in the annexed
24 territory, the manner and extent of such improvements, and the
25 approximate time within which such improvements are to be made;
26 such ordinance shall also contain a statement of the municipal or
27 public services which such municipality proposes to render in such
28 annexed territory. In the event the municipality shall desire to
29 contract its boundaries, such ordinance shall contain a statement
30 of the reasons for such contraction and a statement showing
31 whereby the public convenience and necessity would be served
32 thereby.

33 (2) When any municipality with boundaries that lie within
34 two (2) counties desires to enlarge its boundaries by adding
35 adjacent unincorporated territory, the governing authorities of
36 the municipality shall pass, in addition to the requirements
37 provided in subsection (1), an ordinance:

38 (a) Certifying that more than fifty percent (50%) of
39 the people who reside in the unincorporated area of the census
40 block within the territory proposed to be annexed shall be
41 included in the proposed annexation; or

42 (b) Certifying that upon approval of the annexation,
43 the municipality shall cede any authority to provide zoning,
44 subdivision and alcohol regulation to the board of supervisors of
45 the county in which the territory is located, if fifty percent
46 (50%) or fewer people who reside in the unincorporated area of the



47 census block within such territory is not included in the proposed
48 annexation.

49 (3) For the purposes of this section, "census block" refers
50 to certain geographic areas as designated by the most recent
51 decennial United States Census preceding any annexation under this
52 section.

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

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

69 (2) If the chancellor shall find from the evidence that the
70 proposed enlargement or contraction, as the case may be, is
71 unreasonable and is not required by the public convenience and



72 necessity, or in the event of an enlargement of a municipality,
73 that the governing authority of the municipality failed to comply
74 with the provisions of Section 21-1-27, then he shall enter a
75 decree denying * * * the enlargement or contraction.

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

83 **SECTION 3.** This act shall take effect and be in force from
84 and after July 1, 2016.

