

By: Representatives Wilson, Karriem, Dixon

To: Municipalities

HOUSE BILL NO. 1244

1 AN ACT TO AUTHORIZE GOVERNING AUTHORITIES OF ANY MUNICIPALITY
 2 TO ADOPT AN ORDINANCE ESTABLISHING A SYSTEM BY WHICH A UNIFORMED
 3 LAW ENFORCEMENT OFFICER, UNIFORMED LAW ENFORCEMENT EMPLOYEE OR
 4 CERTAIN UNIFORMED MUNICIPAL EMPLOYEE MAY ISSUE A CITATION FOR
 5 CERTAIN ORDINANCE VIOLATIONS; TO PROVIDE THE METHODS BY WHICH A
 6 CITATION SHALL BE DELIVERED; TO AUTHORIZE AN ADMINISTRATIVE
 7 PROCESS FOR RESOLVING A CITATION BEFORE OTHER ACTIONS MAY BE TAKEN
 8 BY A MUNICIPALITY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Except as otherwise provided in Section 21-19-11,
 11 any municipality, by ordinance duly spread upon its minutes, may
 12 provide that a citation for the violation of any ordinance
 13 relating to a zoning violation, building or safety code, housing
 14 or rental ordinance, sign ordinance or a property maintenance code
 15 may be issued by a uniformed law enforcement officer, uniformed
 16 law enforcement employee or by a uniformed municipal employee
 17 whose job duties are primarily in the above areas. A municipality
 18 may also provide an administrative process for resolving such
 19 citation before the appropriate designated municipal department in
 20 advance of issuing an arrest warrant, as authorized under Section
 21 2 (b) of this act.



22 SECTION 2. (a) In enforcing the penalty prescribed for
23 violation of any ordinance relating to a zoning violation,
24 building or safety code, housing or rental ordinance, sign
25 ordinance, or a property maintenance code, a citation shall be
26 issued for the occupant(s) of the property if the person's name
27 can be ascertained and for the owner of the property according to
28 the latest county tax roll. Both the occupant and owner of record
29 of the property according to the county tax rolls, shall, as a
30 matter of law, be presumed to be the person or persons causing
31 such violation and may be charged with such violation. A citation
32 shall be served by either personal service or by United States
33 certified mail, return receipt requested, mailed to the property
34 address and, if different, the address of the property owner as
35 listed in the latest county tax roll, and such service shall be
36 sufficient to require the appearance of the occupant and owner of
37 the property in the municipal court at the time stated in the
38 citation.

39 (b) The administrative process prescribed in Section 1 of
40 this act shall be considered the initial phase in resolving the
41 violation; however, if a municipality and the owner of record of a
42 property are unable to resolve a violation within thirty (30) days
43 after the issuance and mailing of a citation, then the
44 municipality shall be authorized to issue an arrest warrant as in
45 all other cases.



46 (c) No arrest shall be made for failure of an owner to
47 appear in response to a citation, except on affidavit and issuance
48 of an arrest warrant.

49 (d) Except in cases where an arrest warrant is issued, it
50 shall not be necessary to enter such cases on the municipal court
51 docket nor to enter final judgment thereon in the minute book of
52 the court.

53 **SECTION 3.** This act shall take effect and be in force from
54 and after July 1, 2017.

