

By: Senator(s) Williams

To: Municipalities; County
Affairs

SENATE BILL NO. 2447

1 AN ACT TO PROHIBIT ANY MUNICIPALITY, COUNTY OR OTHER
2 POLITICAL SUBDIVISION FROM ADOPTING AN ORDINANCE, RESOLUTION, RULE
3 OR REGULATION THAT IMPOSES A CIVIL PENALTY OR FINE ON A SECURITY
4 BUSINESS IF SUCH BUSINESS RECEIVES A FALSE SECURITY ALARM UNDER
5 CERTAIN CIRCUMSTANCES; TO AMEND SECTIONS 19-3-40 AND 21-17-5,
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** The governing authorities of a municipality, the
10 board of supervisors of a county, or any other political
11 subdivision within this state shall not adopt an ordinance or
12 resolution or promulgate a rule or regulation authorizing the
13 imposition of civil penalties or fines on a partnership,
14 corporation, alarm contracting company as defined under Section
15 73-69-5, or other business entity engaged in the security business
16 for a false alarm that is not caused by improper installation of
17 an alarm, the provision of defective equipment or an operational
18 error attributable to the business entity.

19 As used under this section, the term "false alarm" means a
20 security alarm signal eliciting a response by law enforcement when



21 a situation requiring such a response does not exist, including,
22 but not limited to, the activation or transmission of any alarm
23 signal caused by human error, mechanical or electronic
24 malfunction, negligence of the alarm system user or user's agent
25 or employee, whether or not the exact cause of the alarm
26 activation is determined, or any other activation or transmission
27 of any alarm signal where no actual police emergency exists.

28 **SECTION 2.** Section 19-3-40, Mississippi Code of 1972, is
29 amended as follows:

30 19-3-40. (1) The board of supervisors of any county shall
31 have the power to adopt any orders, resolutions or ordinances with
32 respect to county affairs, property and finances, for which no
33 specific provision has been made by general law and which are not
34 inconsistent with the Mississippi Constitution, the Mississippi
35 Code of 1972, or any other statute or law of the State of
36 Mississippi; and any such board shall likewise have the power to
37 alter, modify and repeal such orders, resolutions or ordinances.
38 Except as otherwise provided in subsections (2) and (3) of this
39 section, the powers granted to boards of supervisors in this
40 section are complete without the existence of or reference to any
41 specific authority granted in any other statute or law of the
42 State of Mississippi.

43 Except as provided in subsection (2) of this section, such
44 orders, resolutions or ordinances shall apply countywide unless
45 the governing authorities of any municipality situated within a



46 county adopt any order, resolution or ordinance governing the same
47 general subject matter. In such case the municipal order,
48 resolution or ordinance shall govern within the corporate limits
49 of the municipality.

50 (2) In any county where U.S. Interstate 20 and U.S. Highway
51 49 intersect, having a population of greater than one hundred
52 forty-one thousand (141,000) but less than one hundred fifty-one
53 thousand (151,000) according to the 2010 federal decennial census,
54 the board of supervisors may adopt orders, resolutions and
55 ordinances under subsection (1) of this section for a clearly
56 defined geographic area. The order, resolution or ordinance shall
57 describe the affected geographic area by zoning district, section
58 lines or other discernable boundaries. The order, resolution or
59 ordinance also shall state specific findings to support its
60 purpose and need within the geographic area.

61 (3) This section shall not authorize the board of
62 supervisors of a county to (a) levy taxes other than those
63 authorized by statute or increase the levy of any authorized tax
64 beyond statutorily established limits, (b) issue bonds of any
65 kind, (c) change the requirements, practices or procedures for
66 county elections or establish any new elective office, (d) use any
67 public funds, equipment, supplies or materials for any private
68 purpose, (e) regulate common carrier railroads, (f) grant any
69 donation, * * * (g) without prior legislative approval, regulate,
70 directly or indirectly, the amount of rent charged for leasing



71 private residential property in which the county does not have a
72 property interest, or (h) impose civil penalties or fines on a
73 partnership, corporation, alarm contracting company as defined
74 under Section 73-69-5, or other business entity engaged in the
75 security business for a false alarm that is not caused by improper
76 installation of an alarm, the provision of defective equipment or
77 an operational error attributable to the business entity; unless
78 such actions are specifically authorized by another statute or law
79 of the State of Mississippi.

80 **SECTION 3.** Section 21-17-5, Mississippi Code of 1972, is
81 amended as follows:

82 21-17-5. (1) The governing authorities of every
83 municipality of this state shall have the care, management and
84 control of the municipal affairs and its property and finances.
85 In addition to those powers granted by specific provisions of
86 general law, the governing authorities of municipalities shall
87 have the power to adopt any orders, resolutions or ordinances with
88 respect to such municipal affairs, property and finances which are
89 not inconsistent with the Mississippi Constitution of 1890, the
90 Mississippi Code of 1972, or any other statute or law of the State
91 of Mississippi, and shall likewise have the power to alter, modify
92 and repeal such orders, resolutions or ordinances. Except as
93 otherwise provided in subsection (2) of this section, the powers
94 granted to governing authorities of municipalities in this section
95 are complete without the existence of or reference to any specific



96 authority granted in any other statute or law of the State of
97 Mississippi. Unless otherwise provided by law, before entering
98 upon the duties of their respective offices, the aldermen or
99 councilmen of every municipality of this state shall give bond,
100 with sufficient surety, to be payable, conditioned and approved as
101 provided by law, in a penalty equal to five percent (5%) of the
102 sum of all the municipal taxes shown by the assessment rolls and
103 the levies to have been collectible in the municipality for the
104 year immediately preceding the commencement of the term of office
105 of said alderman or councilman; however, such bond shall not
106 exceed One Hundred Thousand Dollars (\$100,000.00). For all
107 municipalities with a population more than two thousand (2,000)
108 according to the latest federal decennial census, the amount of
109 the bond shall not be less than Fifty Thousand Dollars
110 (\$50,000.00). Any taxpayer of the municipality may sue on such
111 bond for the use of the municipality, and such taxpayer shall be
112 liable for all costs in case his suit shall fail. No member of
113 the city council or board of aldermen shall be surety for any
114 other such member.

115 (2) Unless such actions are specifically authorized by
116 another statute or law of the State of Mississippi, this section
117 shall not authorize the governing authorities of municipalities to
118 (a) levy taxes of any kind or increase the levy of any authorized
119 tax, (b) issue bonds of any kind, (c) change the requirements,
120 practices or procedures for municipal elections or establish any



121 new elective office, (d) change the procedure for annexation of
122 additional territory into the municipal boundaries, (e) change the
123 structure or form of the municipal government, (f) permit the
124 sale, manufacture, distribution, possession or transportation of
125 alcoholic beverages, (g) grant any donation, * * * (h) without
126 prior legislative approval, regulate, directly or indirectly, the
127 amount of rent charged for leasing private residential property in
128 which the municipality does not have a property interest, or (i)
129 impose civil penalties or fines on a partnership, corporation,
130 alarm contracting company as defined under Section 73-69-5, or
131 other business entity engaged in the security business for a false
132 alarm that is not caused by improper installation of an alarm, the
133 provision of defective equipment or an operational error
134 attributable to the business entity.

135 (3) Nothing in this or any other section shall be construed
136 so as to prevent any municipal governing authority from paying any
137 municipal employee not to exceed double his ordinary rate of pay
138 or awarding any municipal employee not to exceed double his
139 ordinary rate of compensatory time for work performed in his
140 capacity as a municipal employee on legal holidays. The governing
141 authority of any municipality shall enact leave policies to ensure
142 that a public safety employee is paid or granted compensatory time
143 for the same number of holidays for which any other municipal
144 employee is paid.



145 (4) The governing authority of any municipality, in its
146 discretion, may expend funds to provide for training and education
147 of newly elected or appointed municipal officials before the
148 beginning of the term of office or employment of such officials.
149 Any expenses incurred for such purposes may be allowed only upon
150 prior approval of the governing authority. Any payments or
151 reimbursements made under the provisions of this subsection may be
152 paid only after presentation to and approval by the governing
153 authority of the municipality.

154 (5) The governing authority of any municipality may lease
155 the naming rights to municipal property to a private commercial
156 entity.

157 **SECTION 4.** This act shall take effect and be in force from
158 and after its passage.

