

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11 modified or repealed upon at least fifteen (15) days' notice of a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.