

By: Senator(s) McMahan

To: Municipalities;  
Judiciary, Division B

SENATE BILL NO. 2330

1 AN ACT TO PROHIBIT CAMPING, PANHANDLING OR LOITERING ON  
2 PUBLIC AND PRIVATE PROPERTY LOCATED WITHIN THE STATE OF  
3 MISSISSIPPI; TO PROVIDE DEFINITIONS; TO AUTHORIZE LOCAL MUNICIPAL  
4 GOVERNING AUTHORITIES AND COUNTY BOARDS OF SUPERVISORS TO CREATE A  
5 PERMITTING PROGRAM FOR SUPPORTING CAMPING ON PUBLIC AND PRIVATE  
6 PROPERTY UNDER CERTAIN STANDARDS; TO PRESCRIBE CONDITIONS AND  
7 STANDARDS FOR THE ENFORCEMENT OF ILLEGAL CAMPING, PANHANDLING AND  
8 LOITERING BY LOCAL AND COUNTY LAW ENFORCEMENT OFFICERS; TO PROVIDE  
9 THAT A VIOLATION OF SAID PROHIBITIONS IS A PUBLIC NUISANCE THAT  
10 CAN BE ABATED AND PREVENTED; TO PROVIDE THAT A VIOLATION OF SAID  
11 PROHIBITIONS MAY BE CHARGED AS A MISDEMEANOR; TO REQUIRE AT LEAST  
12 48 HOURS' NOTICE BEFORE COMMENCEMENT OF ANY ENFORCEMENT ACTION; TO  
13 PROVIDE THAT CONVICTIONS UNDER THIS SECTION SHALL NOT APPEAR ON A  
14 PERSON'S PUBLIC ARREST RECORD; TO AUTHORIZE THE REMOVAL OF  
15 HOMELESS ENCAMPMENTS ON PRIVATE PROPERTY IN A HUMANE MANNER AFTER  
16 72 HOURS' NOTICE; TO PROVIDE THAT THE LOCAL GOVERNING AUTHORITIES  
17 MAY ESTABLISH A DILAPIDATED PROPERTY FUND AND MAKE EXPENDITURES  
18 FOR THE LEGAL REMOVAL OF HOMELESS ENCAMPMENTS ON PUBLIC AND  
19 PRIVATE PROPERTY; TO AMEND SECTIONS 21-19-11 AND 19-5-105,  
20 MISSISSIPPI CODE OF 1972, TO INCLUDE HOMELESS ENCAMPMENTS ON  
21 PRIVATE PROPERTY IN THE PUBLIC NUISANCE LAW AND TO PROVIDE THAT  
22 THE COST OF ABATING SUCH ENCAMPMENT NUISANCES ON PRIVATE PROPERTY  
23 IS A LIEN ON THE PROPERTY WHICH MAY BE WAIVED BY THE MUNICIPALITY  
24 OR COUNTY; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** (1) As used in this section, the following terms  
27 shall have the meaning ascribed herein:

28 (a) "Law enforcement officer" means a member of the  
29 municipal police department wherein the applicable property is



30 located or a member of the local sheriff's department wherein the  
31 applicable property is located.

32 (b) "Homeless encampment" means an outdoor location  
33 where one or more homeless people live in an unsheltered area,  
34 including tents, shacks, vehicles or other structures which are  
35 not provided utility services paid by the person(s) living in the  
36 area.

37 (c) "Camping" means, within any tent, motor vehicle,  
38 trailer, camper, or temporary structure, any of the following  
39 activities:

40 (i) Cooking upon a stove;

41 (ii) Bathing, when using a shower or tub-type  
42 device;

43 (iii) The elimination of human digestive wastes;  
44 or

45 (iv) Any person's using any tent, motor vehicle,  
46 trailer, camper, or temporary structure, as opposed to a house,  
47 hotel or motel, as the person's primary place of sleep for one or  
48 more nights or days.

49 (d) "Camper," as used above, means a structure designed  
50 to be mounted upon a motor vehicle and to provide facilities for  
51 human habitation or camping purposes.

52 (e) "Panhandling," for the purpose of this act, is any  
53 solicitation made in person requesting an immediate donation of  
54 money. Purchase of an item for an amount far exceeding its value,



55 under circumstances where a reasonable person would understand  
56 that the purchase is in substance a donation, is a donation for  
57 the purpose of this act. Panhandling does not include passively  
58 standing or sitting with a sign or other indication that one is  
59 seeking donations, without addressing any solicitation to any  
60 specific person other than in response to an inquiry by that  
61 person.

62 (2) **Camping prohibited.** (a) Camping on public property is  
63 prohibited within the borders of the State of Mississippi except  
64 as follows:

65 (i) In state parks;

66 (ii) On the premises of businesses, such as mobile  
67 home parks, for which there is a use or other city issued permit  
68 which clearly authorizes the particular activity; and

69 (iii) Camping shall be permissible on public  
70 property in designated camping areas with proper permitting or  
71 registration. Governing authorities within a municipal district  
72 or a county are authorized to create a permitting program for  
73 supporting camping on public property when in the best interest of  
74 the governing authority or in a state of emergency.

75 (b) Upon application, the local municipal or county  
76 governing authority may issue, or conditionally issue, temporary  
77 permits for camping upon private property when satisfactory  
78 evidence is presented to the governing authority:



79 (i) State parks, motels, hotels, or established  
80 camp grounds are not a feasible alternative for the applicant;

81 (ii) Arrangements have been made to ensure that  
82 waste and trash will not be discharged in connection with the  
83 camping activities, except into appropriate sewage or trash  
84 disposal facilities; and

85 (iii) The activity will not subject the neighbors  
86 to excessive noise or unpleasant visual effects.

87 (c) The local municipal or county governing authority  
88 may develop an application form and the governing authority, by  
89 resolution, may establish fees for such applications. The fees  
90 shall not exceed the amount reasonably estimated to cover the  
91 costs of processing the application and police any permitted  
92 activities.

93 (3) **Panhandling prohibited.** (a) Any person who panhandles  
94 after sunset or before sunrise is guilty of a misdemeanor.

95 (b) Any person who panhandles when the person solicited  
96 is in any of the following places is guilty of a misdemeanor:

97 (i) At any bus stop or train stop;

98 (ii) In any public transportation vehicle or  
99 facility;

100 (iii) In any vehicle on the street; or

101 (iv) On private property, unless the panhandler  
102 has permission from the owner or occupant.



103 (c) Any person who panhandles in any of the following  
104 manners is guilty of a misdemeanor:

105 (i) By coming within three (3) feet of the person  
106 solicited, until that person has indicated that he does wish to  
107 make a donation;

108 (ii) By blocking the path of the person solicited  
109 along a sidewalk or street;

110 (iii) By following a person who walks away from  
111 the panhandler;

112 (iv) By using profane or abusive language, either  
113 during the solicitation or following a refusal;

114 (v) By panhandling in a group of two or more  
115 persons; or

116 (vi) By any statement, gesture, or other  
117 communication which a reasonable person in the situation of the  
118 person solicited would perceive to be a threat.

119 (d) Any person who knowingly makes any false or  
120 misleading representation in the course of soliciting a donation  
121 is guilty of a misdemeanor. False or misleading representations  
122 include, but are not limited to, the following:

123 (i) Stating that the donation is needed to meet a  
124 specific need, when the solicitor already has sufficient funds to  
125 meet that need and does not disclose that fact;

126 (ii) Stating that the donation is needed to meet a  
127 need which does not exist;



128 (iii) Stating that the solicitor is from out of  
129 town and stranded, when that is not true;

130 (iv) Wearing a military uniform or other  
131 indication of military service, when the solicitor is neither a  
132 present nor former member of the service indicated;

133 (v) Wearing or displaying an indication of  
134 physical disability, when the solicitor does not suffer the  
135 disability indicated;

136 (vi) Use of any makeup or device to simulate any  
137 deformity;

138 (vii) Stating that the solicitor is homeless, when  
139 he is not; or

140 (viii) Stating that the funds are needed for a  
141 specific purpose and then spending the funds received for a  
142 different purpose.

143 (e) No person shall panhandle on five (5) or more days  
144 in a single calendar year without a permit issued by the local  
145 municipal or county governing authority. A person who has been  
146 issued a permit shall keep it on his person at all times while  
147 panhandling and show it to any peace officer upon request. No  
148 person whose permit has been revoked shall panhandle for a period  
149 of two (2) years following the revocation. Any person who  
150 violates this subdivision is guilty of a misdemeanor. The local  
151 municipal or county governing authority shall issue the permit,  
152 without fee, to any eligible person who presents himself at the



153 local municipal or county governing authority, states his true  
154 name, presents a photo identification or signs a declaration under  
155 penalty of perjury that he has no such identification, and permits  
156 himself to be photographed and fingerprinted. A person is  
157 ineligible for a permit if and only if within the past five (5)  
158 years he (1) has been convicted of two (2) or more violations of  
159 this section, (2) has had a permit revoked, or (3) has been  
160 convicted of two (2) or more offenses under the law of any  
161 jurisdiction which involve aggressive or intimidating behavior  
162 while panhandling or false or misleading representations while  
163 panhandling.

164 If the local municipal or county governing authority is  
165 unable to determine eligibility within twenty-four (24) hours of  
166 the application, the authority shall issue a permit good for  
167 thirty (30) days and determine eligibility for a regular permit  
168 before the temporary permit expires. The regular permit shall  
169 expire three (3) years from the date of issuance. Along with the  
170 permit, the authority shall give the applicant a copy of this  
171 statute.

172 (f) Any person who makes any false or misleading  
173 representation while applying for a permit under this subsection  
174 (3) is guilty of a misdemeanor. Upon conviction of violation of  
175 this subsection (3), the local municipal or county governing  
176 authority shall revoke any permit issued to the defendant under  
177 this subsection (3).



178 (g) If a permit is issued to a person under this  
179 subsection (3) and that person subsequently commits and is  
180 convicted of a violation of any provision of this subsection (3),  
181 the local municipal or county governing authority shall revoke the  
182 permit.

183 (4) **Loitering Prohibited.** (a) Loitering or prowling. No  
184 person shall loiter or prowl in a place at a time or in a manner  
185 not usual for law abiding individuals under circumstances that  
186 warrant alarm for the safety of persons or property in the  
187 vicinity. Among the circumstances which may be considered in  
188 determining whether such alarm is warranted is the fact that the  
189 person takes flight upon appearance of a law enforcement officer,  
190 or manifestly endeavors to conceal himself or any object. Unless  
191 flight by the person or other circumstances makes it  
192 impracticable, a law enforcement officer shall, prior to any  
193 arrest for an offense under this subsection, afford the person an  
194 opportunity to dispel any alarm which would otherwise be warranted  
195 by requesting him to explain his presence and conduct. No person  
196 shall be convicted of an offense under this subsection if the law  
197 enforcement officer did not comply with the preceding sentence, or  
198 if it appears, at trial, that the explanation given by the person  
199 was true and, if believed by the law enforcement officer at the  
200 time, would have dispelled the alarm.

201 (b) Obstruction of Highway by Loitering. No person  
202 shall obstruct any street, bridge, sidewalk or crossing by





203 lounging or loitering in or upon the same after being requested to  
204 move on by any law enforcement officer.

205 (c) Obstruction Of Traffic By Loitering. No person  
206 shall loaf or loiter in groups or crowds upon the public streets,  
207 alleys, sidewalks, street crossings or bridges or in any other  
208 public place within the State of Mississippi in such manner as to  
209 prevent, interfere with or obstruct the ordinary free use of such  
210 public sidewalks, streets, street crossings and bridges or other  
211 public places by persons passing along and over the same.

212 (d) Loitering After Being Requested To Move. No person  
213 shall loaf or loiter in groups or crowds upon the public streets,  
214 sidewalks or adjacent doorways or entrances, street crossings or  
215 bridges or in any other public place or on any private premises  
216 without invitation from the owner or occupant after being  
217 requested to move by any law enforcement officer or by any person  
218 in authority at such places.

219 (e) Loitering In Public Places. No person shall  
220 loiter, lounge or loaf in or about any dance hall, restaurant,  
221 store, public sidewalk, public parking lot or other place of  
222 assembly or public use after being requested to move by the owner  
223 or person in charge or any law enforcement officer. Upon being  
224 requested to move, a person shall immediately comply with such  
225 request by leaving the premises or area thereof at the time of the  
226 request.

227 (f) Loitering In Or On School Property.



228 (i) Prohibited. No person not in official  
229 attendance or on official school business shall enter into,  
230 congregate, loiter, wander or stand in or on any public or private  
231 school property within the State of Mississippi between 7:00 A.M.  
232 and 5:00 P.M. on official school days. Any person who remains on  
233 school grounds after being asked to leave by the school principal,  
234 the principal's designee or a faculty member shall be presumed to  
235 be in violation of this subsection.

236 (ii) Exceptions. The prohibition against  
237 loitering in this subsection shall not apply to students, school  
238 faculty and school staff personnel, or to those persons who are  
239 authorized to be on school grounds for legitimate reasons.

240 (iii) Definitions. In this subsection, the terms  
241 used shall be defined as follows:

242 1. School Grounds. Any school building in  
243 the State of Mississippi and those areas surrounding any school  
244 building, including parking lots, which are either owned by the  
245 school district or normally used for school related activities.

246 2. Legitimate Reasons. Such reasons as  
247 attendance at school related activities open to the public; school  
248 business; authorized meetings with school administrators, school  
249 faculty, students or school staff personnel; and any other valid  
250 reasons which justify the presence of someone on school grounds.

251 (5) A violation of this section is a public nuisance that  
252 may be enjoined, abated, and prevented. The local district,



253 county attorney or the city attorney of the applicable  
254 jurisdiction, in the name of the citizens of that jurisdiction,  
255 may maintain an action to abate and prevent the nuisance. Before  
256 pursuing abatement authorized by this subsection, the district  
257 attorney, county attorney or city attorney, as applicable, shall  
258 ensure that the person found to be in violation of this section  
259 has received verbal or written information regarding alternative  
260 locations to sleep, including homeless and mental health services  
261 or homeless shelters in the area.

262 (6) (a) A violation of this section may be charged as a  
263 misdemeanor, at the discretion of the city attorney, county  
264 attorney or district attorney, punishable upon conviction thereof,  
265 by a fine not exceeding One Thousand Dollars (\$1,000.00) or  
266 incarceration in the county jail for a term not exceeding four (4)  
267 months or both.

268 (b) Convictions and citations under this section shall  
269 not appear on a person's public record and shall not be submitted  
270 to the National Crime Information Center or any public accessible  
271 state database. The court of conviction may keep a confidential  
272 record for purposes related to enforcement of the sentence. The  
273 court of jurisdiction shall ensure that any citation or conviction  
274 does not appear on a person's public record.

275 (7) A person shall not be found to be in violation of this  
276 section unless a law enforcement officer employed by the county or  
277 city, as applicable, with jurisdiction, has provided that person



278 written notice, at least forty-eight (48) hours before  
279 commencement of any enforcement action, that the person is  
280 prohibited from camping, panhandling and/or loitering on public  
281 and private property under this section. A written notice shall  
282 only be deemed to have been provided for the purposes of this  
283 subsection if the notice:

284 (a) Is given in a language understood by the person  
285 receiving the notice; and

286 (b) Contains information regarding alternative  
287 locations to sleep, homeless and mental health services, homeless  
288 shelters in the area, and any relevant information about services  
289 offered at Community Mental Health Centers.

290 (8) The owner of real property located in a municipality or  
291 county has the right to request the assistance of law enforcement  
292 officers with jurisdiction to remove a homeless encampment or to  
293 set up any barriers or other methods to prevent homeless  
294 encampments. Persons living in homeless encampments shall receive  
295 seventy-two (72) hours notice of the removal. The removal of  
296 homeless persons or homeless encampments on private property shall  
297 be done in a humane manner. It is illegal to inflict harm on the  
298 trespassers or damage their personal property. A tent or  
299 temporary structure shall not be considered the personal property  
300 of any trespasser who has received the proper notice under this  
301 section. If a homeless encampment is on public property, only



302 local law enforcement officers or officers of the sheriff's  
303 department may remove the encampment or set up barriers.

304 (9) In order to enforce the provisions of this section, the  
305 local municipal governing authority or the county board of  
306 supervisors may establish a Dilapidated Property Fund and make  
307 annual expenditures into the fund for the legal removal of  
308 homeless encampments on public and private property. The local  
309 municipal governing authority or county board of supervisors  
310 establishing such fund shall prescribe rules and regulations for  
311 the administration of the fund and expenditures from the fund and  
312 shall spread these prescribed amounts and procedures on its  
313 minutes.

314 **SECTION 2.** Section 21-19-11, Mississippi Code of 1972, is  
315 amended as follows:

316 21-19-11. (1) To determine whether property or parcel of  
317 land located within a municipality is in such a state of  
318 uncleanliness as to be a menace to the public health, safety and  
319 welfare of the community, a governing authority of any  
320 municipality shall conduct a hearing, on its own motion, or upon  
321 the receipt of a petition signed by a majority of the residents  
322 residing within four hundred (400) feet of any property or parcel  
323 of land alleged to be in need of the cleaning. Notice shall be  
324 provided to the property owner by:

325 (a) United States mail two (2) weeks before the date of  
326 the hearing mailed to the address of the subject property, except



327 where the land or structure(s) is apparently vacant, and to the  
328 address where the ad valorem tax notice for such property is sent  
329 by the office charged with collecting ad valorem tax; and

330 (b) Posting notice for at least two (2) weeks before  
331 the date of a hearing on the property or parcel of land alleged to  
332 be in need of cleaning and at city hall or another place in the  
333 municipality where such notices are posted.

334 Any notice required by this section shall include language  
335 that informs the property owner that an adjudication at the  
336 hearing that the property or parcel of land is in need of cleaning  
337 will authorize the municipality to reenter the property or parcel  
338 of land for a period of two (2) years after final adjudication  
339 without any further hearing if notice is posted on the property or  
340 parcel of land and at city hall or another place in the  
341 municipality where such notices are generally posted at least  
342 seven (7) days before the property or parcel of land is reentered  
343 for cleaning. A copy of the required notice mailed and posted as  
344 required by this section shall be recorded in the minutes of the  
345 governing authority in conjunction with the hearing required by  
346 this section.

347 If, at such hearing, the governing authority shall adjudicate  
348 the property or parcel of land in its then condition to be a  
349 menace to the public health, safety and welfare of the community,  
350 the governing authority, if the owner does not do so himself,  
351 shall proceed to clean the land, by the use of municipal employees



352 or by contract, by cutting grass and weeds; filling cisterns;  
353 securing abandoned or dilapidated buildings; removing rubbish,  
354 abandoned or dilapidated fences, outside toilets, abandoned or  
355 dilapidated buildings, slabs, personal property \* \* \* which  
356 removal of personal property shall not be subject to the  
357 provisions of Section 21-39-21, and other debris; removal of  
358 homeless encampments; and draining cesspools and standing water  
359 therefrom. The governing authority may by resolution adjudicate  
360 the actual cost of cleaning the property and/or removal of  
361 homeless encampments and may also impose a penalty not to  
362 exceed \* \* \* Ten Thousand Dollars (\$10,000.00) or fifty percent  
363 (50%) of the actual cost, whichever is more. The cost and any  
364 penalty may become a civil debt against the property owner,  
365 and/or, at the option of the governing authority, an assessment  
366 against the property. The "cost assessed against the property"  
367 means either the cost to the municipality of using its own  
368 employees to do the work or the cost to the municipality of any  
369 contract executed by the municipality to have the work done, and  
370 administrative costs and legal costs of the municipality. For  
371 subsequent cleaning within the one-year period after the date of  
372 the hearing at which the property or parcel of land was  
373 adjudicated in need of cleaning, upon seven (7) days' notice  
374 posted both on the property or parcel of land adjudicated in need  
375 of cleaning and at city hall or another place in the municipality  
376 where such notices are generally posted, and consistent with the



377 municipality's adjudication as authorized in this subsection (1),  
378 a municipality may reenter the property or parcel of land to  
379 maintain cleanliness without further notice or hearing no more  
380 than six (6) times in any twelve-month period with respect to  
381 removing or securing abandoned or dilapidated buildings, slabs,  
382 dilapidated fences and outside toilets, and no more than twelve  
383 (12) times in any twenty-four-month period with respect to cutting  
384 grass and weeds and removing rubbish, personal property and other  
385 debris on the land, and the expense of cleaning of the property,  
386 except as otherwise provided in this section for removal of  
387 hazardous substances, shall not exceed an aggregate amount of  
388 Twenty Thousand Dollars (\$20,000.00) per year, or the fair market  
389 value of the property subsequent to cleaning, whichever is more.  
390 The aggregate cost of removing hazardous substances will be the  
391 actual cost of such removal to the municipality and shall not be  
392 subject to the cost limitations provided in this subsection. The  
393 governing authority may assess the same penalty for each time the  
394 property or land is cleaned as otherwise provided in this section.  
395 The penalty provided herein shall not be assessed against the  
396 State of Mississippi upon request for reimbursement under Section  
397 29-1-145, nor shall a municipality clean a parcel owned by the  
398 State of Mississippi without first giving notice. Upon written  
399 authority from the Secretary of State's office, for state-owned  
400 properties, a municipality may forgo the notification process that  
401 is prescribed in this subsection and proceed to clean the





402 properties and assess costs as prescribed in this subsection,  
403 except that penalties shall not be assessed against the State of  
404 Mississippi.

405 (2) When the fee or cost to clean property or a parcel of  
406 land that is one (1) acre or less does not exceed Two Hundred  
407 Fifty Dollars (\$250.00), excluding administrative costs, and the  
408 property or parcel is located within a municipality having a  
409 population over one thousand five hundred (1,500), the governing  
410 authority of the municipality may authorize one or more of its  
411 employees to determine whether the property or parcel of land is  
412 in such a state of uncleanliness as to be a menace to the public  
413 health, safety and welfare of the community and the determination  
414 made by the authorized municipal employee shall be set forth and  
415 recorded in the minutes of the governing authority. Notice of  
416 this determination shall be provided to the property owner by:

417 (a) United States mail seven (7) days before the date  
418 of cleaning of the property or parcel of land mailed to the  
419 address of the subject property, except where the land or  
420 structure(s) is apparently vacant, and to the address where the ad  
421 valorem tax notice for such property is sent by the office charged  
422 with collecting ad valorem tax; and

423 (b) Posting notice for at least seven (7) days before  
424 the cleaning of the property or parcel of land and at city hall or  
425 another place in the municipality where such notices are posted.



426 Any notice required by this subsection shall include language  
427 that informs the property owner that the appropriate municipal  
428 official has determined that the property or parcel of land is a  
429 menace to the public health, safety and welfare of the community  
430 and in need of cleaning and the municipality is authorized to  
431 enter the property for cleaning and that the municipality is  
432 further authorized to reenter the property or parcel of land for a  
433 period of two (2) years after this cleaning without any further  
434 hearing or action if notice is posted on the property or parcel of  
435 land and at city hall or another place in the municipality where  
436 such notices are generally posted at least seven (7) days before  
437 the property or parcel of land is reentered for cleaning. A copy  
438 of the required notice mailed and posted as required by this  
439 subsection shall be recorded in the minutes of the governing  
440 authority in conjunction with the determination made by the  
441 municipal employee in this subsection (2).

442 If an authorized municipal employee determines that the  
443 condition of property or parcel of land or the existence of a  
444 homeless encampment is a menace to the public health, safety and  
445 welfare of the community, the governing authority, if the owner  
446 does not do so himself, shall proceed to clean the land, or remove  
447 the homeless encampment by the use of municipal employees or by  
448 contract, by cutting grass and weeds; filling cisterns; securing  
449 abandoned or dilapidated buildings; removing rubbish, abandoned or  
450 dilapidated fences, outside toilets, abandoned or dilapidated



451 buildings, slabs, personal property, which removal of personal  
452 property shall not be subject to the provisions of Section  
453 21-39-21, and other debris; removal of the homeless encampment;  
454 and draining cesspools and standing water therefrom. The  
455 governing authority shall by resolution adjudicate the actual cost  
456 of cleaning the property under this provision, provided the same  
457 does not exceed \* \* \* Ten Thousand Dollars (\$10,000.00) and may  
458 also impose a penalty not to exceed \* \* \* One Thousand Five  
459 Hundred Dollars (\$1,500.00) or one hundred percent (100%) of the  
460 actual cost of cleaning the property, whichever is more.  
461 Provided, however, that the cost and any penalty imposed for the  
462 removal of a homeless encampment on private property may be waived  
463 in the discretion of the municipality. The cost and any penalty  
464 imposed may become a civil debt against the property owner,  
465 and/or, at the option of the governing authority, an assessment  
466 against the property. The "cost assessed against the property"  
467 means either the cost to the municipality of using its own  
468 employees to do the work or the cost to the municipality of any  
469 contract executed by the municipality to have the work done, and  
470 additionally may include administrative costs of the municipality  
471 not to exceed Fifty Dollars (\$50.00). For subsequent cleaning  
472 within the one-year period set forth in this subsection (2), upon  
473 seven (7) days' notice posted both on the property or parcel of  
474 land adjudicated in need of cleaning and at city hall or another  
475 place in the municipality where such notices are generally posted,



476 and consistent with the municipal official's determination as  
477 authorized in this subsection (2), a municipality may reenter the  
478 property or parcel of land to maintain cleanliness without further  
479 notice or hearing under this subsection (2) no more than six (6)  
480 times in any twelve-month period with respect to removing or  
481 securing abandoned or dilapidated buildings, slabs, dilapidated  
482 fences and outside toilets, and no more than twelve (12) times in  
483 any twenty-four-month period with respect to cutting grass and  
484 weeds and removing rubbish, personal property and other debris on  
485 the land, and the removal of homeless encampments, and the expense  
486 of cleaning of the property shall not exceed an aggregate amount  
487 of One Thousand Dollars (\$1,000.00) per year under this subsection  
488 (2). The governing authority may assess the same actual costs,  
489 administrative costs and penalty for each time the property or  
490 land is cleaned as otherwise provided in this subsection (2). The  
491 penalty provided herein shall not be assessed against the State of  
492 Mississippi upon request for reimbursement under Section 29-1-145,  
493 nor shall a municipality clean a parcel owned by the State of  
494 Mississippi without first giving notice. Upon written authority  
495 from the Secretary of State's office, for state-owned properties,  
496 a municipality may forgo the notification process that is  
497 prescribed in this subsection and proceed to clean the properties  
498 and assess costs as prescribed in this subsection, except that  
499 penalties shall not be assessed against the State of Mississippi.  
500 A determination made by an appropriate municipal employee under



501 this subsection (2) that the state or condition of property or a  
502 parcel of land is a menace to the public health, safety and  
503 welfare of the community shall not subsequently be used to replace  
504 a hearing if subsection (1) of this section is later utilized by a  
505 municipality when the prerequisites of this subsection (2) are not  
506 satisfied.

507 (3) If the governing authority declares, by resolution, that  
508 the cost and any penalty shall be collected as a civil debt, the  
509 governing authority may authorize the institution of a suit on  
510 open account against the owner of the property in a court of  
511 competent jurisdiction in the manner provided by law for the cost  
512 and any penalty, plus court costs, reasonable attorney's fees and  
513 interest from the date that the property was cleaned.

514 (4) (a) If the governing authority declares that the cost  
515 and any penalty shall be collected as an assessment against the  
516 property, then the assessment above provided for shall be a lien  
517 against the property and may be enrolled in the office of the  
518 chancery clerk of the county as other liens and encumbrances are  
519 enrolled, and the tax collector of the municipality shall, upon  
520 order of the board of governing authorities, proceed to sell the  
521 land to satisfy the lien as now provided by law for the sale of  
522 lands for delinquent municipal taxes. The lien against the  
523 property shall be an encumbrance upon the property and shall  
524 follow title of the property.



525           (b)   (i)   All assessments levied under the provisions of  
526 this section shall be included with municipal ad valorem taxes and  
527 payment shall be enforced in the same manner in which payment is  
528 enforced for municipal ad valorem taxes, and all statutes  
529 regulating the collection of other taxes in a municipality shall  
530 apply to the enforcement and collection of the assessments levied  
531 under the provisions of this section, including utilization of the  
532 procedures authorized under Sections 17-13-9(2) and 27-41-2.

533           (ii)   All assessments levied under the provisions  
534 of this section shall become delinquent at the same time municipal  
535 ad valorem taxes become delinquent. Delinquencies shall be  
536 collected in the same manner and at the same time delinquent ad  
537 valorem taxes are collected and shall bear the same penalties as  
538 those provided for delinquent taxes. If the property is sold for  
539 the nonpayment of an assessment under this section, it shall be  
540 sold in the manner that property is sold for the nonpayment of  
541 delinquent ad valorem taxes. If the property is sold for  
542 delinquent ad valorem taxes, the assessment under this section  
543 shall be added to the delinquent tax and collected at the same  
544 time and in the same manner.

545           (5)   All decisions rendered under the provisions of this  
546 section may be appealed in the same manner as other appeals from  
547 municipal boards or courts are taken. However, an appeal from a  
548 decision of a municipal officer or official shall be made to the  
549 governing authority and such appeal shall be in writing, state the



550 basis for the appeal and be filed with the city clerk no later  
551 than seven (7) days from the latest date of notice required under  
552 this section.

553 (6) Nothing contained under this section shall prevent any  
554 municipality from enacting criminal penalties for failure to  
555 maintain property so as not to constitute a menace to public  
556 health, safety and welfare, or for enforcing the provisions of  
557 Section 1 of this act relating to the abatement of homeless  
558 encampments.

559 (7) Notwithstanding any provision to the contrary in this  
560 section, the decision to remove a homeless encampment on private  
561 property shall be discretionary by the governing authorities of  
562 the municipality.

563 ( \* \* \*8) (a) If private property or a parcel of land  
564 located within a municipality is a perpetual care cemetery subject  
565 to Section 41-43-1 et seq., the governing authority of the  
566 municipality may proceed pursuant to the same provisions of this  
567 section used to determine whether a property is a public health  
568 menace to instead determine if the perpetual care cemetery and all  
569 structures on the cemetery are not being properly maintained and  
570 have become detrimental to the public health and welfare. A  
571 perpetual care cemetery that is "not being properly maintained and  
572 has become detrimental to the public health and welfare" means a  
573 perpetual care cemetery that shows signs of neglect, including,  
574 without limitation, the unchecked growth of vegetation, repeated



575 and unchecked acts of vandalism, unusable entrances and exits,  
576 excess rubbish or debris, or the disintegration of grave markers  
577 or boundaries. Upon notice and opportunity to be heard as  
578 provided in subsection (1) of this section, the governing  
579 authority of the municipality may adjudicate the property or  
580 parcel of land in its then condition to be not properly maintained  
581 and detrimental to the public health and welfare, and if the owner  
582 does not do so itself, may proceed to clean the property or parcel  
583 of land as provided in subsection (1) of this section. When  
584 cleaning the property or parcel of land of a perpetual care  
585 cemetery pursuant to this subsection ( \* \* \*8), the penalty or  
586 penalties provided in subsection (1) of this section shall not be  
587 assessed against owners of the perpetual care cemeteries.

588 (b) The governing authority of a municipality that  
589 cleans the property or parcel of land of a perpetual care cemetery  
590 pursuant to this subsection ( \* \* \*8) may make application to the  
591 Secretary of State for an order directing the trustee of the  
592 perpetual care cemetery trust fund to release accrued interest or  
593 principal of the trust fund sufficient to reimburse the  
594 municipality for only the actual cleanup costs incurred by the  
595 municipality. The application to the Secretary of State shall  
596 include a statement by the municipality that all of the  
597 requirements of this section have been met.

598 (c) If the Secretary of State is satisfied that the  
599 notice and hearing requirements of this section have been met, and





600 that the application for an order directing the trustee to release  
601 accrued interest of the perpetual care cemetery trust fund does  
602 not threaten the ability of the trust fund to provide for the care  
603 and maintenance of the cemetery, the Secretary of State may order  
604 the trustee to release accrued interest of the trust fund  
605 sufficient to reimburse the municipality for the actual costs of  
606 cleanup performed by the municipality.

607 (d) If the Secretary of State is satisfied that the  
608 notice and hearing requirements of this section have been met, but  
609 makes a determination that the accrued interest of the perpetual  
610 care cemetery trust fund is insufficient to reimburse the  
611 municipality for the actual costs of cleanup performed by the  
612 municipality, or that an order to release accrued interest would  
613 threaten the ability of the trust fund to provide for the care and  
614 maintenance of the cemetery, the Secretary of State may consider  
615 an order directing the trustee to reimburse the municipality from  
616 the principal of the trust fund. If the Secretary of State  
617 determines that an order to the trustee to release principal from  
618 the trust fund will not threaten the solvency of the trust fund,  
619 the Secretary of State may order the trustee to release principal  
620 of the trust fund in an amount sufficient to reimburse the  
621 municipality for the actual costs of cleanup performed by the  
622 municipality.

623 (i) The Secretary of State may not order the  
624 trustee to release an amount of more than fifteen percent (15%) of



625 principal of the trust fund to reimburse the municipality for the  
626 actual costs of cleanup performed by the municipality.

627 (ii) The provisions of this section may be  
628 utilized no more than once in a four-year period.

629 **SECTION 3.** Section 19-5-105, Mississippi Code of 1972, is  
630 amended as follows:

631 19-5-105. (1) To determine whether property or a parcel of  
632 land located within a county is in such a state of uncleanliness  
633 as to be a menace to the public health, safety and welfare of the  
634 community, the board of supervisors of any county is authorized  
635 and empowered to conduct a hearing on its own motion, or upon the  
636 receipt of a petition requesting the board of supervisors to act  
637 signed by a majority of the residents eighteen (18) years of age  
638 or older, residing upon any street or alley, within reasonable  
639 proximity of any property alleged to be in need of cleaning, or  
640 within seven hundred fifty (750) feet of the precise location of  
641 the alleged menace situated on any parcel of land which is located  
642 in a populated area or in a housing subdivision and alleged to be  
643 in need of cleaning.

644 Notice shall be provided to the property owner by:

645 (a) United States mail two (2) weeks before the date of  
646 the hearing mailed to the address of the subject property and to  
647 the address where the ad valorem tax notice for such property is  
648 sent by the office charged with collecting ad valorem tax; and



649 (b) Posting notice for at least two (2) weeks before  
650 the date of a hearing on the property or parcel of land alleged to  
651 be in need of cleaning and at the county courthouse or another  
652 place in the county where such notices are posted.

653 The notice required by this subsection (1) shall include  
654 language that informs the property owner that an adjudication at  
655 the hearing that the property or parcel of land is in need of  
656 cleaning will authorize the board of supervisors to reenter the  
657 property or parcel of land for a period of one (1) year after the  
658 hearing without any further hearing, if notice is posted on the  
659 property or parcel of land and at the county courthouse or another  
660 place in the county where such notices are generally posted at  
661 least seven (7) days before the property or parcel of land is  
662 reentered for cleaning. A copy of the required notice mailed and  
663 posted as required by this subsection (1) shall be recorded in the  
664 minutes of the board of supervisors in conjunction with the  
665 hearing required by this subsection.

666 If at such hearing the board of supervisors shall in its  
667 resolution adjudicate such parcel of land in its then condition or  
668 the existence of a homeless encampment to be a menace to the  
669 public health and safety of the community, the board of  
670 supervisors may, if the owner not do so himself, proceed to have  
671 the land cleaned by cutting weeds, filling cisterns, and removing  
672 rubbish, dilapidated fences, outside toilets, dilapidated  
673 buildings and other debris, and draining cesspools and standing



674 water, or remove the homeless encampment. Thereafter, the board  
675 of supervisors may at its next regular meeting by resolution  
676 adjudicate the actual cost of cleaning the land and may also  
677 impose a penalty not to exceed One Thousand Five Hundred Dollars  
678 (\$1,500.00) or \* \* \* one hundred percent (100%) of the actual  
679 cost, whichever is more. Provided, however, that the cost and any  
680 penalty imposed for the removal of a homeless encampment on  
681 private property may be waived in the discretion of the county.  
682 The cost and any penalty shall become an assessment against the  
683 property. The "cost assessed against the property" means either  
684 the cost to the county of using its own employees to do the work  
685 or the cost to the county of any contract executed by the county  
686 to have the work done, and administrative costs and legal costs of  
687 the county.

688 A county may reenter the property or parcel of land to  
689 maintain cleanliness without further notice of hearing no more  
690 than six (6) times in any twelve-month period with respect to  
691 removing dilapidated buildings, dilapidated fences and outside  
692 toilets, and no more than twelve (12) times in any  
693 twenty-four-month period with respect to cutting grass and weeds  
694 and removing rubbish, personal property and other debris on the  
695 land, and the removal of homeless encampments. The expense of  
696 cleaning the property shall not exceed an aggregate amount of  
697 Twenty Thousand Dollars (\$20,000.00) per year, or the fair market  
698 value of the property subsequent to cleaning, whichever is less.



699 The board of supervisors may assess the same penalty each time the  
700 property or land is cleaned as otherwise provided in this  
701 subsection (1).

702 The penalty provided in this subsection (1) shall not be  
703 assessed against the State of Mississippi upon request for  
704 reimbursement under Section 29-1-145, nor shall a county clean a  
705 parcel owned by the State of Mississippi without first giving  
706 notice.

707 The assessment authorized by this subsection (1) shall be a  
708 lien against the property and may be enrolled in the office of the  
709 circuit clerk of the county as other judgments are enrolled, and  
710 the tax collector of the county shall, upon order of the board of  
711 supervisors, proceed to sell the land to satisfy the lien as now  
712 provided by law for the sale of lands for delinquent taxes.  
713 Furthermore, the property owner whose land has been sold pursuant  
714 to this subsection (1) shall have the same right of redemption as  
715 now provided by law for the sale of lands for delinquent taxes.  
716 All decisions rendered under the provisions of this subsection may  
717 be appealed in the same manner as other appeals from county  
718 boards.

719 (2) (a) If private property or a parcel of land located  
720 within a county is a perpetual care cemetery subject to Section  
721 41-43-1 et seq., the board of supervisors of the county may  
722 proceed pursuant to the same provisions of subsection (1) of this  
723 section used to determine whether a property is a public health



724 menace to instead determine if the perpetual care cemetery and all  
725 structures on the cemetery are not being properly maintained and  
726 have become detrimental to the public health and welfare. A  
727 perpetual care cemetery that is "not being properly maintained and  
728 has become detrimental to the public health and welfare" means a  
729 perpetual care cemetery that shows signs of neglect, including,  
730 without limitation, the unchecked growth of vegetation, repeated  
731 and unchecked acts of vandalism, unusable entrances and exits,  
732 excess rubbish or debris, or the disintegration of grave markers  
733 or boundaries. Upon notice and opportunity to be heard as  
734 provided in subsection (1) of this section, the board of  
735 supervisors of the county may adjudicate the property or parcel of  
736 land in its then condition to be not properly maintained and  
737 detrimental to the public health and welfare, and if the owner  
738 does not do so itself, may proceed to clean the property or parcel  
739 of land as provided in subsection (1) of this section. When  
740 cleaning the property or parcel of land of a perpetual care  
741 cemetery pursuant to this subsection (2), the penalty or penalties  
742 provided in subsection (1) of this section shall not be assessed  
743 against owners of the perpetual care cemeteries.

744 (b) The board of supervisors of a county that cleans  
745 property or parcel of land of a perpetual care cemetery pursuant  
746 to this subsection (2) may make application to the Secretary of  
747 State for an order directing the trustee of the perpetual care  
748 cemetery trust fund to release accrued interest or principal of



749 the trust fund sufficient to reimburse the county for only the  
750 actual cleanup costs incurred by the county. The application to  
751 the Secretary of State shall include a statement by the county  
752 that all of the requirements of this section have been met.

753 (c) If the Secretary of State is satisfied that the  
754 notice and hearing requirements of this section have been met, and  
755 that the application for an order directing the trustee to release  
756 accrued interest of the perpetual care cemetery trust fund does  
757 not threaten the ability of the trust fund to provide for the care  
758 and maintenance of the cemetery, the Secretary of State may order  
759 the trustee to release up to the total amount of accrued interest  
760 of the trust fund in an amount sufficient to reimburse the county  
761 for the actual costs of cleanup performed by the county.

762 (d) If the Secretary of State is satisfied that the  
763 notice and hearing requirements of this section have been met, but  
764 makes a determination that the accrued interest of the perpetual  
765 care cemetery trust fund is insufficient to reimburse the county  
766 for the actual costs of cleanup performed by the county, or that  
767 an order to release accrued interest would threaten the ability of  
768 the trust fund to provide for the care and maintenance of the  
769 cemetery, the Secretary of State may consider an order directing  
770 the trustee to reimburse the county from the principal of the  
771 trust fund. If the Secretary of State determines that an order to  
772 the trustee to release principal from the trust fund will not  
773 threaten the solvency of the trust fund, the Secretary of State



774 may order the trustee to release principal of the trust fund in an  
775 amount sufficient to reimburse the county for the actual costs of  
776 cleanup performed by the county.

777                   (i) The Secretary of State may not order the  
778 trustee to release an amount of more than fifteen percent (15%) of  
779 principal of the trust fund to reimburse the county for the actual  
780 costs of cleanup performed by the county.

781                   (ii) The provisions of this section may be  
782 utilized no more than once in a four-year period.

783           **SECTION 4.** This act shall take effect and be in force from  
784 and after July 1, 2025.

