

INTRODUCTION

State laws in Mississippi impact many provisions in the ordinance codes of Mississippi municipalities. This publication is intended to assist municipal attorneys in the identification of provisions in ordinance codes that may require revision in light of state law. The information in this publication is based upon the experience of the legal staff of Municipal Code Corporation in working with the ordinance codes of Mississippi municipalities.

This publication is current through the 2018 Regular and First Extraordinary Legislative Sessions.

Not all provisions of this publication will apply to your Code, nor does this publication purport to include all state laws that may somehow affect the language of your Code.

The provisions of this publication are intended to assist municipal attorneys and are not intended to be a substitute for the advice of counsel.

It is not the intent of Municipal Code Corporation in publishing this publication to provide legal advice. An attorney admitted to practice in Mississippi must be consulted as to the applicability of a given statute or case to a particular situation.

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GENERAL PROVISIONS

1. *Classification.* The municipal corporations existing in the state are divided into three classes: cities, towns and villages. See MCA 1972, § 21-1-1. For purposes of statewide privilege taxes, the municipalities of the state are divided into class numbers 1 through 7 in accordance with the population thereof. See MCA 1972, § 27-15-9.

ADMINISTRATION

1. *Purchasing.* Bidding requirements in MCA 1972, § 31-7-13 have been recently amended.

2. *Depositories.* The provisions of MCA 1972, § 27-105-353 are preemptive. See Op. Atty. Gen. O'Reilly-Evans, April 18, 1990.

ANIMALS

1. *Wild animals.* Ordinances regulating or prohibiting the possession of wild animals are restricted. See MCA 1972, § 49-8-17.

BUILDINGS AND BUILDING REGULATIONS

1. *State Uniform Construction Code.* Certain standards are required to be adopted locally. See MCA 1972, § 17-2-4.

2. *Contractors.* Reciprocity of certain licenses is mandatory. See MCA 1972, §§ 27-17-457,

17-25-5.

3. *Boilers; pressure vessels.* Ordinances providing for the construction, installation, inspection, operation, maintenance or repair of boilers and pressure vessels are prohibited. See MCA 1972, § 45-23-61.

4. *Manufactured homes.* Ordinances relating to factory-manufactured movable homes are restricted. See MCA 1972, § 17-1-39.

BUSINESSES

1. *Pawnshops.* Ordinances on pawnshops are restricted. See MCA 1972, § 75-67-343. See also MCA 1972, § 75-67-439.

2. *Check cashers.* Local regulation of certain check cashers is restricted. See MCA 1972, § 75-67-535.

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

1. *Local regulation of alarm companies prohibited.* Subject to certain exceptions, local regulation of alarm contracting companies and service personnel and closed circuit television alarm systems is preempted. See MCA 1972, § 73-69-27.

ENVIRONMENT

1. *Coal mining.* The state has exclusive jurisdiction over the regulation of surface coal mining and reclamation operations within the state under federal law. See MCA 1972, § 53-9-5.

2. *Radiation.* Ordinances relating to sources of radiation are restricted. See MCA 1972, § 45-14-35.

3. *Oil and gas drilling.* MCA 1972, § 53-3-11 preempts municipalities from requiring permits to drill for oil or gas. See Op. Atty. Gen. No. 2001-0221, Thach, April 23, 2001.

FIRE PREVENTION AND PROTECTION

1. *Cigarette ignition strength.* Ordinances pertaining to cigarette ignition strength are preempted. See MCA 1972, § 45-12-23.

OFFENSES AND MISCELLANEOUS PROVISIONS

1. *Misdemeanors.* All offenses that are misdemeanors under state criminal laws are criminal offenses against the municipality in which the offense is committed, without necessity for municipal ordinance. See MCA 1972, § 21-13-19.

2. *Firearms.* Local regulation of firearms is restricted. See MCA 1972, § 45-9-51 et seq.

3. *Shooting ranges.* Local regulation of shooting ranges is restricted. See MCA 1972, § 17-25-15.

4. *Agricultural activities.* Local regulation of agricultural activities is restricted. See MCA 1972 § 17-1-21(2).

SOLID WASTE

1. *Auxiliary containers.* Local regulation of auxiliary containers is restricted. See Laws 2018, Ch. 388 (S.B. 2570).

TRAFFIC AND VEHICLES

1. *Vehicle immobilization.* Ordinances providing for vehicle immobilization for failure to pay traffic fines are restricted. See MCA 1972, § 21-19-15.

2. *Cellular phones.* Ordinances restricting use of cellular phones in motor vehicles are

prohibited. See MCA 1972, § 63-3-212.

3. *Parking.* Signs are required to restrict parking on streets. See MCA 1972, § 21-19-15.

4. *Transportation network companies (Uber).* Local regulation of transportation network companies and transportation network drivers is restricted. See MCA 1972, § 77-8-37.