

Bond Case Briefs

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MUNICIPAL ORDINANCE - MISSISSIPPI

Pemberton Properties, Ltd v. Mayor and Board of Aldermen of the City of Pearl

Supreme Court of Mississippi - February 9, 2017 - So.3d - 2017 WL 533968

Owners of rental property filed action against city, alleging they had filed a notice of appeal and intent to file bill of exceptions, and a bill of exceptions, to appeal the city's decision to adopt a rental-housing ordinance. The complaint also sought a writ of mandamus ordering the city to transmit the bill of exceptions to the circuit clerk.

City moved to dismiss the complaint as untimely. The Circuit Court granted the motion. Owners appealed.

The Supreme Court of Mississippi held that:

- Ten-day period for appealing city's rental-housing ordinance began to run from the day of the ordinance's adoption, rather than from its effective date; and
- Circuit judge was allowed to dismiss complaint for writ of mandamus to order a city's action on a bill of exceptions, where the bill was presented to the city outside the time for taking an appeal.