

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE PROGRAM
FOR PIKE COUNTY, MISSISSIPPI, TO CONTROL
LITTER, REFUSE, AND UNAUTHORIZED DUMPS,
ESTABLISHING PENALTIES FOR VIOLATION OF SAID ORDINANCE
AND ESTABLISHING AN EFFECTIVE DATE THEREOF**

WHEREAS, the Board of Supervisors of Pike County has become aware of increased littering of public and private property and county roadways in Pike County, Mississippi, and;

WHEREAS, said littering of public and private property and county roadways degrades the environment and community, and causes health and safety hazards, and;

WHEREAS, the cost incurred by Pike County, Mississippi to clean up said litters creates an undue burden upon the taxpayers of Pike County, and;

WHEREAS, PURSUANT TO Mississippi Code Annotated, Sections 19-5-17, 17-17-5, 17-17-17, and 19-5-173, the Board of Supervisors of Pike County has authority to enact such ordinances as necessary and in the best interest of the public to establish and maintain a system of disposal of refuse, garbage and derelict property, and;

NOW THEREFORE, be it resolved by the Board of Supervisors of Pike County, Mississippi, that for the reasons set forth above and pursuant to the authority granted therein, the following resolution is hereby enacted:

1. SHORT TITLE

This Ordinance shall be known as the Pike County Litter and Illegal Dumping Ordinance.

2. INTENT

It is the express intent of the Board of Supervisors and of this Ordinance to promote a clean, healthy, safe, and attractive environment in which to live.

3. APPLICABILITY

This Ordinance shall apply to and be enforced within the unincorporated boundaries of Pike County, Mississippi.

4. DEFINITIONS

The following words, phrases, or terms, as used in this Ordinance, unless context indicates otherwise, shall have the following meanings:

- a. Authorized receptacle: A litter and collection container as required and authorized by this Ordinance.

- b. Compostable trash: Every waste accumulation of lawn grass, tree trimmings, shrubbery or dry leaf rakings that is free of dirt, rocks, non-compostable trash and bulky waste.
- c. Container: The receptacle, which the County recommends that the owner or occupant use for collecting and disposing of garbage be of appropriate size and capacities. Said container be constructed in a manner appropriate for depositing, holding and collecting garbage. It is recommended that such container be constructed so that litter or garbage cannot fall, drop, or be blown from container. These specifications, terms and conditions are subject to change upon proper notice.
- d. Cover: Any device, equipment, container, close fitting tarpaulin, chain, rope, wire, or line used on vehicles to prevent any part of a vehicle load to shift, blow, leak, fall or escape in any manner from the vehicle.
- e. Garbage: Litter and refuse collectively as defined in this Ordinance.
- f. Litter: All trash, including that which is unsightly and/or excessive in accumulation, including but not limited to paper, bottles, cans, glass, crockery, plastic, rubber, waste building materials, disposable packages and containers, white goods, water heaters, abandoned automobiles, small automobiles parts, tires, furniture, non-compostable trash, or any other matter which tends to create a hazard to the public health, safety and welfare.
- g. Person: Any person, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.
- h. Private Property: Any dwelling, house, building or other structure designed or used for private, commercial, or residential purposes and shall include any yard, grounds, acreage, vacant lots, walk, driveway, porch, steps, parking areas, vestibule, or mailbox belonging to such dwelling, house, building or other structure.
- I. Public Property: Any and all streets, public right of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds and buildings.
- j. Refuse: All solid waste including rubbish, ashes, trash, construction debris, street cleanings and animal, vegetable and/or other matter that results from the preparation, processing, consumption, dealing in, handling or decomposition of meats, fish, birds, fruits, grains, or other animal or vegetable matter, including, but by no way limited to, used tin cans and other

food containers, all putrescible or easily decomposable waste, animals and vegetable matter which is likely to attract flies, insects or animals.

- k. **Unauthorized Dump:** Any collection of solid waste either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used. An abandoned automobile, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of Miss. Code Annotated, Section 17-17-1, et seq., but not the careless, scattered littering of smaller individual items as tires, bottles, cans, and the likes. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of Miss. Code Annotated, Section 17-17-1, et seq.

5. **CONTROL OF LITTER**

- 1. **Littering Prohibited:** It is unlawful for any person to throw, discard, or deposit garbage, or compostable trash in any manner or amount in or upon any public property or private property, highway, street, right-of-way, body of water or park in the county, except in public receptacles, in authorized private receptacles, or in accordance with regulations and requirements set forth by the county and its agent for collection.
 - a. **Loads of vehicles:**
 - (1) Any materials such as garbage or compostable trash being transported by vehicle shall be secured in such a manner to prevent it blowing or falling from vehicle.
 - (2) Any driver or person in direct control of any vehicle from which any materials or objects have fallen, blown, leaked, shifted, or otherwise escaped shall immediately cause said materials or objects to be cleaned up at their own expense or be cited and fined in accordance with this ordinance and laws of the State of Mississippi.

PLACEMENT OF LITTER IN RECEPTACLES REQUIRED

- a. It is unlawful for any person to deposit any materials in receptacles placed for public use as a depository for litter, recyclable or refuse other than that specifically designated for that container.
- b. All persons that place their garbage in plastic bags or in containers are responsible for unsightly garbage in and about the property owned, operated or controlled by them. Spillage and overflow around containers shall be immediately cleaned up as it occurs.

c. Persons owning or occupying property shall keep sidewalks and right-of-way areas in front of their premises free of garbage and compostable trash.

d. It shall be the responsibility of each person to keep his or her own property clean and free of garbage.

e. It shall be the duty of every person in possession, charge of or in control of any place, public or private, where garbage and compostable trash is accumulated or generated, that provide adequate and suitable receptacles and/or containers capable of holding such materials until proper final disposal is accomplished, and at all times to keep said garbage in these receptacles and/or containers.

f. Any non-contained and uncontrolled accumulation of garbage and compostable trash on any public or private property is a violation of this ordinance.

6. GARBAGE DISPOSAL REGULATIONS

a. It shall be required that all garbage or compostable trash resulting from construction, repair or alteration of any building in the county shall be contained and removed in a timely fashion at the expense of the builder. All trees, tree limbs, and brush cut by a contractor or any person performing such task shall be removed at such person's expense.

b. It shall be unlawful to dispose of any hazardous waste except in the manner specifically authorized by statute and shall not be disposed of as part of garbage or compostable trash.

7. COUNTY GARBAGE COLLECTION

The county or its agent shall provide a method for collection of household garbage that has been prepared and contained in covered receptacles or plastic bags. The county or its agent will maintain regular collection routes on particular days at particular times and will be made known to the public the routes, days, and times of regular collections. The county or its agent, with the approval of the Board of Supervisors, shall notify the public of any variation of changes in the regular collection schedule.

8. CERTAIN ACTS DECLARED UNLAWFUL

It shall be unlawful for any person:

a. To place or deposit or cause to be placed or deposited upon the streets, roads, and right-of-ways in the county, garbage unless prepared and contained as required in this ordinance;

b. To throw or deposit or cause to be thrown or deposit litter or garbage compostable

trash on roads, right-of-ways, and adjacent public and private properties.

- c. To deposit or cause to be deposited in any ditch, creek, water-course, gutter or drain within the county any garbage, refuse or compostable trash.
- d. To allow an unauthorized dump on any individual's private property.

9. **ENFORCEMENT**

a. ENFORCEMENT PROCEDURES

- 1. The County Solid Waste Enforcement Officer and law enforcement officers of the county are hereby empowered to issue corrective written notices or citations to persons in violations of any of the provisions of the ordinance. Further, any citizen of Pike County may file a sworn affidavit in the Justice Court of Pike County to be taken against any party in violation of the ordinance.
- 2. The Solid Waste Enforcement Officer shall initiate prosecution for a violation of this ordinance or law enforcement officer of the county who has sufficient probable cause to believe this ordinance is being violated. If the Solid Waste Enforcement Officer or law enforcement officer discovers an article of garbage bearing a person, corporation, company, firm, business or institution's name or address on any public or private property, it shall be presumed that said article of garbage being so discovered is the property of such person whose name appears thereon, and said person placed or caused to be placed upon such article of garbage; provided, however, that such presumption shall be rebutted by competent evidence. This presumption is based on the intent that all generators of such items are responsible for such items until such time it has been properly disposed of.
- 3. Corrective written notice may be issued to violators of this ordinance to correct an offense, in lieu of citation or arrest. The notice shall state the date and time issued, nature of the offense committed, corrective measures to be taken and the date and time such corrections shall be made. The issuing authority for public-inspections shall retain all such notices issued during normal office hours. Notice mailed by certified mail, return receipt requested, mailed to the violator's last known place of residence, shall be deemed personal service upon the person for purposes of this ordinance.

b. FAILURE TO COMPLY WITH THIS NOTICE

Any person who has been served with such notice in accordance with the provisions of this ordinance, and who shall neglect or shall refuse or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this ordinance.

c. PENALTIES

Any person found to be in violation of any provisions of this ordinance may be given a written citation with permanent record held at Justice Court plus a minimum fine of One Hundred Dollars (\$100.00). The second offense will mandate a minimum fine of Two Hundred Fifty Dollars (\$250.00) and a maximum fine of Five Hundred Dollars (\$500.00). Further violation will lead to a fine, community service and/or jail sentence to be determined by the judge with a minimum fine of Five Hundred Dollars (\$500.00) and a maximum fine of One Thousand Dollars (\$1,000.00). In situations where residential or business owners deliberately litter or refuse to clean up their property, fines will be assessed to include cost for cleanup and/or restoration of property.

d. CLEANING OF PRIVATE PROPERTY

Upon the failure, or refusal of any person so notified to properly dispose of garbage and compostable trash from their property within thirty (30) days after issuance of proper corrective notice, the county may effect the removal of said garbage and compostable trash and charge the owner of such property for the actual cost of removal pursuant to Mississippi Code Annotated, Section 19-5-105 and such assessment shall be a lien against the property.

10. SOLID WASTE ASSISTANCE PROGRAM GRANT

The Solid Waste/Litter Coordinator, with approval of the Board of Supervisors, is hereby authorized to clean unauthorized dumps with such solid waste being disposed of in permitted or authorized solid waste landfills or rubbish pits, or buried onsite with prior approval of the Mississippi Department of Environmental Quality if such materials are non-hazardous and if such clearing is reimbursable under the terms of the county's Solid Waste Assistance Grant secured through the Mississippi Department of Environmental Quality. Each individual cleanup must be preapproved by The Pike County Board of Supervisors. The authority grant in this section shall apply to a voluntary request when made in writing by private landowner, as well as the enforcement procedure set forth in Paragraph 9.

11. CONFLICT

Any other ordinances of Pike County, Mississippi, which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies of the conflict.

12. SEVERABILITY

Severability is intended throughout and within the provisions of this Litter and Dumping Ordinance. If any provision, including any exception, part, phrase or term of the application

thereof to any person or circumstance is held invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of the Litter and Dumping Ordinance in any and all other respects shall not be affected thereby, the Board of Supervisors of Pike County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the Litter and Dumping Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is intended and shall be given.

13. ORDINANCE CUMULATIVE

This Ordinance shall be cumulative and in addition to any other laws in force.

14. EFFECTIVE DATE

The Board of Supervisors of Pike County do hereby find that it is necessary for the immediate and temporary preservation of the public cleanliness, health and safety that this Litter and Dumping Ordinance be made effective immediately. Accordingly, this Litter and Dumping Ordinance shall be in full force and effect from and after the 1st day of June, 2005, and the Clerk is directed to publish notice accordingly.

SO ORDERED AND ADOPTED by the Board of Supervisors of Pike County, Mississippi, on this the 28th day of April, 2005.

PIKE COUNTY BOARD OF SUPERVISORS

BY: Carroll Fortenberry
CARROLL FORTENBERRY, PRESIDENT

Record of Votes:

Tazwell Bowsky, District 1, voting For

Lexie Elmore, District 2, voting For

Aubrey Matthews, District 3, voting For

Venton Ray Adams, District 4, voting For

Carroll Fortenberry, District 5, voting For

ATTEST:

DOUG TOUCHSTONE, CHANCERY CLERK
PIKE COUNTY, MISSISSIPPI, CLERK
OF THE BOARD

BY:

Doug Touchstone