

The Board of Supervisors of the Pike County, Mississippi (the County), took up for consideration the matter of approving an interlocal agreement for the purposes of housing municipal prisoners and, after a discussion of the subject matter, Supervisor Jake Gazzo offered and moved the adoption of the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF PIKE COUNTY, MISSISSIPPI APPROVING AND AUTHORIZING THE PIKE COUNTY SOLID WASTE COLLECTION ORDINANCE.

WHEREAS, the Pike County Board of Supervisors recognizes the need for a consistent and equitable system for the collection of solid waste fees within the unincorporated areas of Pike County; and

WHEREAS, Mississippi Code Annotated § 19-5-17 mandates counties to provide for the collection and disposal of garbage and rubbish, and grants the authority to establish necessary rules and regulations for such purposes; and

WHEREAS, the Board of Supervisors finds that the adoption of a formal ordinance regulating the collection of solid waste fees is in the best interest of the residents of Pike County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pike County, Mississippi, that the following ordinance is hereby adopted:

Pike County Solid Waste Collection Ordinance

Section 1: Purpose

This ordinance is established to regulate the collection of solid waste fees within Pike County, ensuring fair and consistent payment from all landowners in the unincorporated areas of the county. The legal authority for this ordinance is provided by Mississippi Code Annotated § 19-5-17, which requires counties to provide for the collection and disposal of garbage and rubbish, and to make all necessary rules and regulations for such purposes.

Section 2: Solid Waste Fee Collection

2.1. Pike County will directly collect solid waste fees from property owners (including landlords) for all solid waste generated on their properties, including each individual residence generating waste (including renters), within the unincorporated areas of Pike County. This is authorized under Mississippi Code Annotated § 19-5-17, which allows counties to establish and collect fees for garbage and rubbish disposal.

2.2. Property owners will receive a separate invoice for solid waste fees, clearly stating the amount due and the purpose of the fee, in accordance with Mississippi Code Annotated § 19-5-18, which permits the development of a billing and collection system.

2.3. Property owners are responsible for ensuring that solid waste fees are paid in a timely manner as outlined in the invoice. This responsibility is based on the joint and several liability

clause in Mississippi Code Annotated § 19-5-22, which permits the assessment of fees against both the generator and the property owner.

Section 3: Property Owner Liability

3.1. In the event that a property owner fails to pay the solid waste fees as required by this ordinance, the property owner shall be held liable for the unpaid fees. This liability is supported by Mississippi Code Annotated § 19-5-22, which allows for fees to be assessed against both the generator of the garbage and the property owner.

3.2. Property owners found to be in violation of this ordinance shall be subject to penalties as determined by the county authorities, including fines, citations, or other enforcement actions. Penalties for non-compliance are authorized under Mississippi Code Annotated § 19-5-17 and § 19-5-22.

Section 4: Enforcement

4.1. Pike County shall have the authority to enforce this ordinance through inspections and audits to ensure compliance. This enforcement power is granted by the general authority of the board of supervisors under Mississippi Code Annotated § 19-5-17 and § 19-5-22.

4.2. Pike County may provide education and assistance to property owners to facilitate compliance with this ordinance.

Section 5: Effective Date

This ordinance shall take effect on October 1, 2024 and shall apply to all property owners within the unincorporated areas of Pike County from that date forward.

Section 6: Severability

If any provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of any other provision of this ordinance, in accordance with standard legal principles.

Section 7: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8: Amendments

This ordinance may be amended by the Pike County Board of Supervisors as deemed necessary to promote the effective administration and enforcement of solid waste fee collection within the county.

Following discussion, Supervisor Jake Gazzo moved and Supervisor Robert Accardo seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

- Supervisor Justin Lofton voted: _____
- Supervisor Samuel Hall voted: _____
- Supervisor Robert J. Accardo voted: _____
- Supervisor Jake Gazzo voted: _____
- Supervisor Lee Fortenberry voted: _____

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this the 1st day of July, 2024.

Justin Lofton
Justin Lofton President, Board of Supervisors
Pike County, Mississippi

ATTEST:

Clerk, Board of Supervisors
Pike County, Mississippi

(SEAL)

PIKE COUNTY MS BECKY BUIE CHANCERY CLERK
I CERTIFY THIS INSTRUMENT WAS FILED ON 7/1/2024 10:36:37 AM AND RECORDED IN Board Minutes 2024 3514