

ORDER TO ADOPT AND PUBLISH PEARL RIVER COUNTY UNAUTHORIZED
DUMPING AND LITTER CONTROL ORDINANCE

There came on this day to be considered by the Board of
Supervisors of Pearl River County, Mississippi, the matter to
consider adopting PEARL RIVER COUNTY UNAUTHORIZED DUMPING AND
LITTER CONTROL ORDINANCE.

Upon motion made by Jason Spence and seconded by Hudson Holliday,
the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors to
adopt and publish attached PEARL RIVER COUNTY UNAUTHORIZED
DUMPING AND LITTER CONTROL ORDINANCE.

Ordered and adopted, this the 8th day of September, 2020.

Voting AYE: Donald Hart, Malcolm Perry, Hudson Holliday,
Jason Spence, and Sandy Kane Smith

Voting NAY: None

PEARL RIVER COUNTY UNAUTHORIZED DUMPING AND LITTER CONTROL ORDINANCE

Whereas, the Board of Supervisors of Pearl River County is aware of unauthorized dumping and increased littering of public and private property in Pearl River County, Mississippi; and;

Whereas, said dumping and littering of public and private property degrades the environment and community, and causes health and safety hazards, and;

Whereas, the cost incurred by Pearl River County to remediate these dumps and litter creates an undue burden upon the taxpayers of Pearl River County, and;

Whereas, pursuant to Mississippi Code Annotated, as amended, §§19-3-40, 19-5-17, 17-17-5, 17-17-17, 19-5-173, 97-15-29, 97-15-30 and 97-15-31, the Board of Supervisors of Pearl River County has the authority to enact such ordinances as necessary and in the best interest of the public to establish and maintain a system of proper management and disposal of refuse, garbage, litter and trash.

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

1. SHORT TITLE.

This Ordinance shall be known as the Pearl River County Unauthorized Dumping and Litter Control Ordinance.

2. INTENT.

It is the expressed 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 Pearl River 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 storage and collection container designed specifically for or in common use as an acceptable container as required and authorized by this Ordinance.

B. **Abandoned residence/house/mobile home:** A dwelling or mobile home that has been vacated by humans, is uninhabitable due to unsanitary conditions and/or structural conditions that are in violations of county building codes.

- C. **Burnt residence/house/mobile home:** A dwelling or mobile home that has been destroyed more than 50% of fair market value by fire, or is deemed uninhabitable by Code Officer with approval by the Board of Supervisors.
- D. **Container:** A container which shall be provided by the owner or occupant responsible, shall be an authorized receptacle with the appropriate capacities for the purpose of collecting and disposing of garbage, trash, litter, refuse and rubbish. The container shall be constructed of wood, plastic, metal, wire or fiberglass and be designed and constructed in a manner appropriate for the depositing, holding and collecting of garbage, trash, litter, refuse and rubbish. It is required that such container be constructed so that its contents cannot fall, drop, or be blown from the container.
- E. **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.
- F. **Garbage:** Household, animal and vegetable wastes having organic matter and resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products.
- G. **Junk:** Any litter, debris, waste materials of any kind, dead animals, used or unserviceable automobile and machinery parts, used and non-functional furniture and appliances, and used and non-functional tools, equipment, and implements, but shall not include compost piles for normal, personal or non-commercial use, in their proper location.
- H. **Litter:** All waste materials, including, but not limited to, paper, bottles, cans, glass, crockery, plastic, rubber, garbage, offal, waste building materials at construction sites, and disposable packages and containers, white goods, abandoned home appliances and fixtures, small automobile parts, tires, furniture, non-compostable trash, or any other matter thrown or deposited as prohibited herein which tends to create a hazard to public health, safety and welfare.
- I. **Person:** Any person, owner or lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.
- J. **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.

- K. Public property:** Any and all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds and buildings.
- L. Refuse:** All solid wastes including dismantled structures and components of mobile homes, rubbish, ashes, trash, construction debris and garbage, including, but by no way limited to, used tin or aluminum cans and other food or beverage containers, all putrescible or easily decomposable waste, animals and vegetable matter which is likely to attract flies, insects or animals.
- M. Rubbish:** Non putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F).
- N. Solid Waste:** Waste as defined by Miss. Code Ann. §17-17-3, which is hereby incorporated herein by reference.
- O. Unauthorized Dump:** Any collection of solid waste, trash, refuse, rubbish, litter, garbage, sewage either dumped or caused to be dumped or placed on any property either public or private. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of Miss. Code §17-17-1, *et seq.* Unauthorized Dump also includes the misuse of any County authorized and established public dump site.
- P. Prevention of unauthorized dumping and littering.**
- (1) **Littering Prohibited.** It is unlawful for any person to throw, discard, place or deposit asbestos, garbage, rubbish, trash, refuse, litter, or any other such solid waste 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.
 - (2) **Unauthorized dumping prohibited.** It is unlawful for any person to cause, create or allow an unauthorized dump or to drain or dump sewage on any private or public property. Unauthorized dumps are declared to be a public nuisance per se and shall be eliminated by removal or on-site burial. If removed, the debris from the dump will be disposed in an approved and permitted landfill. If buried on site, such burial will be in accordance with all applicable state laws and regulations.

- (3) Unauthorized discharge to state waters. It is unlawful for any person to throw, discard or deposit garbage, rubbish, litter, trash, refuse or other solid wastes or sewage into any river, creek, stream, water drainage way or in any other manner that would result in the washout of wastes into state waters.
- (4) Loads on vehicles:
- (a) No person shall drive, move, park or in any other way operate any vehicle within the county unless said vehicle is loaded so as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom. In the event that the vehicle is hauling material such as garbage, trash, rubbish, litter and/or refuse or any other materials that could fall or blow from the vehicle, then said vehicle must be covered or secured with a close-fitting tarpaulin or other appropriate cover as defined herein.
- (b) Any driver or other 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.
- (c) This shall be in addition to the existing haul ordinances of the county.
- (5) Placement of Litter in Receptacles Required: It is unlawful for any person to deposit anything except garbage, trash, refuse, rubbish or litter in any receptacle placed for public use as a depository for litter or refuse.
- (a) All persons shall store their garbage, trash, litter, refuse and/or rubbish in leak-free, covered containers so as to eliminate wind-driven debris and unsightly garbage, trash and litter in and about the property owned, operated or controlled by them. Spillage and overflow around containers shall immediately be cleaned up as it occurs.
- (b) It shall be the duty of each person to keep his or her own property clean and free of garbage, litter, refuse, rubbish and trash.
- (c) Any unauthorized accumulation of garbage, litter, trash, rubbish or refuse on any public or private property is a violation of this ordinance.

5. CONTAINERS REQUIRED: CONSTRUCTION CAPACITY, TYPE, REGULATIONS GOVERNING USE.

- A. It shall be the duty of every owner or occupant of every building in the county to immediately provide or cause to be provided, and at all times keep or cause to be kept within such building, or within the limits of the premises owned or occupied by such person, in the case of private residences, containers in adequate number and condition as required herein.
- B. All commercial establishments and multi-family dwellings shall use the appropriate garbage collection containers and shall be required to maintain a healthy, clean desirable and aesthetically pleasing condition and to comply with the provisions of this ordinance. All such containers shall not be situated on any public right-of-way.
- C. For safety of garbage handlers, it shall be unlawful for any owner of any residential or commercial property to place or deposit glass, needles or any sharp object, unless the same shall be placed inside a durable plastic, metal or fiberglass container. Further, 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, litter, refuse, trash or rubbish as defined herein.

6. CONTAINERS REQUIRED: DISPOSAL REGULATIONS.

It shall be unlawful for any person to place or deposit garbage, trash, litter, refuse and rubbish upon public or private property except as herein provided. Garbage, trash, litter, refuse and rubbish, trees, tree limbs, stumps, extra large boxes, old furniture and the like, as well as the carcasses of dead animals will be subject to the approval between the owner of the property and the agent or company the owner has a contractual agreement with for garbage pick up and shall only be allowed to be placed upon the streets twenty four (24) hours prior to the normally scheduled pick up time. Refrigerators disposed of in this manner shall have the doors removed as required by State law. All garbage, trash and construction debris resulting from the construction, repair or alteration of any building in the county shall be immediately removed at the expense of the licensed contractor or contracting homeowner or occupant of such building.

7. PLACEMENT FOR COLLECTION.

Residential units and light commercial entities shall place containers for trash, refuse, rubbish, garbage, and litter subject to collection in a location as to not create a public nuisance, safety hazard or health hazard.

8. **DISPOSAL.**

Every owner/occupant of every dwelling or business within the county is responsible for the disposal of their own rubbish, litter, trash, refuse and garbage through the approved methods in this ordinance or any state law herein listed. This includes but not limited to having a scheduled agreement from a private company or person for trash pickup or for hauling the rubbish, garbage, litter, trash and refuse to an approved disposal facility in compliance with this ordinance.

9. **CONTROL OF EXTERIOR STORAGE, ABANDONED RESIDENCE/HOUSE/MOBILE HOME AND BURNT RESIDENCE/HOUSE/MOBILE HOME**

A. No person who owns or is in possession of, in charge of, or in control of any property shall store, deposit, scatter, or keep on the premises any of the following: Litter, garbage, trash, rubbish and/or refuse as defined in this ordinance or dismantled structures and components of mobile homes.

B. An abandoned or burnt residence/house/mobile home that has been vacated must be repaired or removed at the owner's expense.

(1) If the owner elects to repair the abandoned residence/house/mobile home or burnt residence/house/mobile home a building permit must be applied for within 60 days of written notice or citation and construction started within 60 days.

(2) If the owner of the abandoned residence/house/mobile home or burnt residence/house/mobile home elects to remove building this must be completed within 90 days of written notice or citation.

(3) No action shall be taken on an abandoned or burnt residence/house/mobile home until all procedures commenced to settle the matter of the abandoned or burnt residence/house/mobile home have been finally resolved. Such procedures shall include, but not be limited to, insurance claims, lawsuits, tax disputes, or other property settlement procedures.

10. **ENFORCEMENT.**

A. **Enforcement Procedures.**

(1) The Pearl River County Code Official is hereby empowered to gather all information required and to issue corrective written notices to persons in violation. The Pearl River County Fire Marshall, or any uniformed officer of the county are hereby empowered to issue citations to persons in violation of any of the provisions of this ordinance.

- (2) Prosecution for a violation of this ordinance shall be initiated by the Pearl River County Code Official, Pearl River County Fire Marshall or any uniformed officer of the county who has sufficient probable cause to believe this ordinance is being violated. If the Pearl River Code Official, Pearl River County Fire Marshall or uniformed officer discovers an article of garbage, litter, trash, refuse or rubbish bearing a person, corporation, company, firm, business or institution's name or address on property of another or on any public property, it shall be presumed that said article so discovered is the property of such person whose name or address 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 tenet that all generators of such items are responsible for such items until such time they have been properly disposed of.

Corrective written notices may be issued by the Pearl River County Code Official, Pearl River County Fire Marshall or any uniformed officer 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. All such notices issued shall be maintained by the issuing authority for public inspections during normal office hours. Notices 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 the purpose of this ordinance.

B. Failure to Comply with a Notice.

Any person who has been served 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 provision of this ordinance and supporting ordinances therein shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than fifty (\$50.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of two hundred fifty (\$250.00) dollars. Any second offense occurring within three years of the conviction of a first offense shall be punished by a fine not less than one hundred (\$100.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to correct

same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of five hundred (\$500.00) dollars, or imprisonment in the county jail not to exceed thirty (30) days or both such fine and imprisonment. Any third or subsequent offense occurring within three years of the conviction of a first offense shall be punished by a fine not less than two hundred (\$200.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of one thousand (\$1000.00) dollars, and community service of not less than five (5) days but not more than thirty (30) days, or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment. In addition to the foregoing fines and penalties, any costs incurred by Pearl River County in cleaning litter, garbage, refuse, rubbish or trash which has been released, scattered, or spread by a person in violation of this ordinance, including the escape of any of said items from a vehicle or trailer will be assessed to the person, entity, landowner or operator of the vehicle found to be in violation of this ordinance; such costs may include the restoration of property damaged or defamed by acts which are in violation of this ordinance.

D. Clearing of Private Property.

Upon the failure, neglect, or refusal of any person so notified to properly dispose of litter, garbage, trash, refuse, rubbish or dismantled structures and components of mobile homes from their property within 30 days after issuance of proper corrective notice, the county may effect the removal of same and charge the owner of such property for the actual cost of removal pursuant to § 19-5-105 Mississippi Code Annotated as amended.

13. SEVERABILITY.

Severability is intended throughout and within the provisions of this Litter Ordinance. If any provision, including any exception, part, phrase or term or 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 this Ordinance in any and all other respects shall not be affected thereby. The Board of Supervisors of the County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that this 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. The Board of Supervisors of the County do not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi.

14. ORDINANCE CUMULATIVE.

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

15. **EFFECTIVE DATE.**

The Board of Supervisors of Pearl River County do hereby find that it is necessary for the immediate and temporary preservation of the public cleanliness, health and safety that this Ordinance be made effective immediately. Accordingly, this Ordinance shall be in full force and effect from and after the date of its publication.

C00843

UNAUTHORIZED Dumping
AND LITTER CONTROL

Proof

ORDINANCE

Client	PEARL RIVER COUNTY BOARD OF SUPERVISORS	Phone	(601) 403-2300
Address	ADRAIN LUMPKIN P.O. BOX 569	Email	alumpkin@pearlrivercounty.net
		Fax	
AD #	1108805	Requested By	PEARL RIVER COUNTY BOARD OF SUPERVISORS
Class	2610	PO #	ADRAIN LUMPKIN
Start Date	09/15/20	Created By	STACEY.MEADO
End Date	09/29/20	Creation Date	09/10/2020
Run Dates	6	Dimensions	1 X 83.889
Pubs	The Picayune Item, PicayuneItem.com	Price	\$1,034.68
Order #	0		
Sales Rep	Stacey Meadows	Phone	
		Email	stacey.meadows@shelbycountyreporter.com
		Fax	

PUBLIC NOTICE

PEARL RIVER COUNTY
UNAUTHORIZED DUMPING
AND LITTER CONTROL
ORDINANCE

Whereas, the Board of Supervisors of Pearl River County is aware of unauthorized dumping and increased littering of public and private property in Pearl River County, Mississippi, and;

Whereas, said dumping and littering of public and private property degrades the environment and community, and causes health and safety hazards, and;

Whereas, the cost incurred by Pearl River County to remediate these dumps and litter creates an undue burden upon the taxpayers of Pearl River County, and;

Whereas, pursuant to Mississippi Code Annotated, as amended, §§19-3-40, 19-5-17, 17-17-5, 17-17-17, 19-5-173, 97-15-29, 97-15-30 and 97-15-31, the Board of Supervisors of Pearl River County has the authority to enact such ordinances as necessary and in the best interest of the public to establish and maintain a system of proper management and disposal of refuse, garbage, litter and trash.

NOW THEREFORE, be It ordained by the Board of Supervisors of Pearl River County, Mississippi, that for the reasons set forth above and pursuant to the authority granted therein, the following ordinance is hereby enacted:

1. SHORT TITLE.

This Ordinance shall be known as the Pearl River County Unauthorized Dumping and Litter Control Ordinance.

2. INTENT.

It is the expressed 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 Pearl River 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 storage and collection container designed specifically for or in common use as an acceptable container as required and authorized by this Ordinance.

B. Abandoned residence/house/mobile home: A dwell-

ing or mobile home that has been vacated by humans, is uninhabitable due to unsanitary conditions and/or structural conditions that are in violation of county building codes.

C. Burnt residence/house/mobile home: A dwelling or mobile home that has been destroyed more than 50% of fair market value by fire, or is deemed uninhabitable by Code Officer with approval by the Board of Supervisors.

D. Container: A container which shall be provided by the owner or occupant responsible, shall be an authorized receptacle with the appropriate capacities for the purpose of collecting and disposing of garbage, trash, litter, refuse and rubbish. The container shall be constructed of wood, plastic, metal, wire or fiberglass and be designed and constructed in a manner appropriate for the depositing, holding and collecting of garbage, trash, litter, refuse and rubbish. It is required that such container be constructed so that its contents cannot fall, drop, or be blown from the container.

E. 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.

F. Garbage: Household, animal and vegetable wastes having organic matter and resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products.

G. Junk: Any litter, debris, waste materials of any kind, dead animals, used or unserviceable automobile and machinery parts, used and non-functional furniture and appliances, and used and non-functional tools, equipment, and implements, but shall not include compost piles for normal, personal or non-commercial use, in their proper location.

H. Litter: All waste materials, including, but not limited to, paper, bottles, cans, glass, crockery, plastic, rubber, garbage, offal, waste building materials at construction sites, and disposable packages and containers, white goods, abandoned home appliances and fixtures, small automobile parts, tires, furniture, non-compostable trash, or any other matter thrown or deposited as prohibited herein which tends to create a hazard to public health, safety and welfare.

I. Person: Any person, owner or lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

J. 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.

K. Public property: Any and all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds and buildings.

L. Refuse: All solid wastes including dismantled structures and components of mobile homes, rubbish, ashes, trash, construction debris and garbage, including, but by no way limited to, used tin or aluminum cans and other food or beverage containers, all putrescible or easily decomposable waste, animals and vegetable matter which is likely to attract flies, insects or animals.

M. Rubbish: Non putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F).

N. Solid Waste: Waste as defined by Miss. Code Ann. §17-17-3, which is hereby incorporated herein by reference.

O. Unauthorized Dump: Any collection of solid waste, trash, refuse, rubbish, litter, garbage, sewage either dumped or caused to be dumped or placed on any property either public or private. An unauthorized dump shall also mean any solid-waste disposal site which does not meet the regulatory provisions of Miss. Code §17-17-1, et seq. Unauthorized Dump also includes the misuse of any County authorized and established public dump site.

P. Prevention of unauthorized dumping and littering.

(1) Littering Prohibited. It is unlawful for any person to throw, discard, place or deposit asbestos, garbage, rubbish, trash, refuse, litter, or any other such solid waste in any manner of 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.

(2) Unauthorized dumping prohibited. It is unlawful for any person to cause, create or allow an unauthorized dump or to drain or dump sewage on any private or public property. Unauthorized dumps are declared to be a public nuisance per se and shall be eliminated by removal or on-site burial. If removed, the debris from the dump will be disposed in an approved and permitted landfill. If buried on site, such burial will be in accordance with all applicable state laws and regulations.

(1) (3) Unauthorized discharge to state waters. It is unlawful for any person to throw, discard or deposit garbage, rubbish, litter, trash, refuse or other solid wastes or sewage into any river, creek, stream, water drainage way or in any other manner that would result in the washout of wastes into state waters.

(4) Loads on vehicles:

(a) No person shall drive, move, park or in any other way operate any vehicle within the county unless said vehicle is loaded so as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom. In the event that the vehicle is hauling material such as garbage, trash, rubbish, litter and/or refuse or any other materials that could fall or blow from the vehicle, then said vehicle must be covered or secured with a close-fitting tarpaulin or other appropriate cover as defined herein.

(b) Any driver or other 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.

(c) This shall be in addition to the existing haul ordinances of the county.

(5) Placement of Litter in Receptacles Required: It is unlawful for any person to deposit anything except garbage, trash, refuse, rubbish or litter in any receptacle placed for public use as a depository for litter or refuse.

(a) All persons shall store their garbage, trash, litter, refuse and/or rubbish in leak-free, covered containers so as to eliminate wind-driven debris and unsightly garbage, trash and litter in and about the property owned, operated or controlled by them. Spillage and overflow around containers shall immediately be cleaned up as it occurs.

(b) It shall be the duty of each person to keep his or her own property clean and free of garbage, litter, refuse, rubbish and trash.

(c) Any unauthorized accumulation of garbage, litter, trash, rubbish or refuse on any public or private property is a violation of this ordinance.

5. CONTAINERS REQUIRED; CONSTRUCTION CAPACITY, TYPE, REGULATIONS GOVERNING USE.

A. It shall be the duty of every owner or occupant of every building in the county to immediately provide or cause to be provided, and at all times keep or cause to be kept within such building, or within the limits of the premises owned or occupied by such person, in the case of private residences, containers in adequate number and condition as required herein.

B. All commercial establishments and multi-family dwellings shall use the appropriate garbage collection containers and shall be required to maintain a healthy, clean desirable and aesthetically pleasing condition and to comply with the provisions of this ordinance. All such containers shall not be situated on any public right-of-way.

C. For safety of garbage handlers, it shall be unlawful for any owner of any residential or commercial property to place or deposit glass, needles or any sharp object, unless the same shall be placed inside a durable plastic, metal or fiberglass container. Further, 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, litter, refuse, trash or rubbish as defined herein.

6. CONTAINERS REQUIRED; DISPOSAL REGULATIONS.

It shall be unlawful for any person to place or deposit garbage, trash, litter, refuse and rubbish upon public or private property except as herein provided. Garbage, trash, litter, refuse and rubbish, trees, tree limbs, stumps, extra large boxes, old furniture and the like, as well as the carcasses of dead animals will be subject to the approval between the owner of the property and the agent or company the owner has a contractual agreement with for garbage pick up and shall only be allowed to be placed upon the streets twenty four (24) hours prior to the normally scheduled pick up time. Refrigerators disposed of in this manner shall have the doors removed as required by State law. All garbage, trash and construction debris resulting from the construction, repair or alteration of any building in the county shall be immediately removed at the expense of the licensed contractor or contracting homeowner or occupant of such building.

7. PLACEMENT FOR COL-

LECTION.

Residential units and light commercial entities shall place containers for trash, refuse, rubbish, garbage, and litter subject to collection in a location as to not create a public nuisance, safety hazard or health hazard.

8. DISPOSAL.

Every owner/occupant of every dwelling or business within the county is responsible for the disposal of their own rubbish, litter, trash, refuse and garbage through the approved methods in this ordinance or any state law herein listed. This includes but not limited to having a scheduled agreement from a private company or person for trash pickup or for hauling the rubbish, garbage, litter, trash and refuse to an approved disposal facility in compliance with this ordinance.

9. CONTROL OF EXTERIOR STORAGE, ABANDONED RESIDENCE/HOUSE/MOBILE HOME AND BURNT RESIDENCE/HOUSE/MOBILE HOME

A. No person who owns or is in possession of, in charge of, or in control of any property shall store, deposit, scatter, or keep on the premises any of the following: Litter, garbage, trash, rubbish and/or refuse as defined in this ordinance or dismantled structures and components of mobile homes.

B. An abandoned or burnt residence/house/mobile home that has been vacated must be repaired or removed at the owner's expense.

(1) If the owner elects to repair the abandoned residence/house/mobile home or burnt residence/house/mobile home a building permit must be applied for within 60 days of written notice or citation and construction started within 60 days.

(2) If the owner of the abandoned residence/house/mobile home or burnt residence/house/mobile home elects to remove building this must be completed within 90 days of written notice or citation.

(3) No action shall be taken on an abandoned or burnt residence/house/mobile home until all procedures commenced to settle the matter of the abandoned or burnt residence/house/mobile home have been finally resolved. Such procedures shall include, but not be limited to, insurance claims, lawsuits, tax disputes, or other property settlement procedures.

10. ENFORCEMENT.

A. Enforcement Procedures.

(1) The Pearl River County Code Official is hereby empowered to gather all information required and to issue corrective written notices to persons in vi-

olation. The Pearl River County Fire Marshall, or any uniformed officer of the county are hereby empowered to issue citations to persons in violation of any of the provisions of this ordinance.

(1) (2) Prosecution for a violation of this ordinance shall be initiated by the Pearl River County Code Official, Pearl River County Fire Marshall or any uniformed officer of the county who has sufficient probable cause to believe this ordinance is being violated. If the Pearl River County Code Official, Pearl River County Fire Marshall or uniformed officer discovers an article of garbage, litter, trash, refuse or rubbish bearing a person, corporation, company, firm, business or institution's name or address on property of another or on any public property, it shall be presumed that said article so discovered is the property of such person whose name or address 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 tenet that all generators of such items are responsible for such items until such time they have been properly disposed of.

Corrective written notices may be issued by the Pearl River County Code Official, Pearl River County Fire Marshall or any uniformed officer 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. All such notices issued shall be maintained by the issuing authority for public inspections during normal office hours. Notices 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 the purpose of this ordinance.

8. Failure to Comply with a Notice.

Any person who has been served 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 provision of this ordinance and supporting ordinances therein shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than fifty (\$50.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to

correct same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of two hundred fifty (\$250.00) dollars. Any second offense occurring within three years of the conviction of a first offense shall be punished by a fine not less than one hundred (\$100.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of five hundred (\$500.00) dollars, or imprisonment in the county jail not to exceed thirty (30) days or both such fine and imprisonment. Any third or subsequent offense occurring within three years of the conviction of a first offense shall be punished by a fine not less than two hundred (\$200.00) dollars and in a case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be charged as a separate offense not to exceed a total fine of one thousand (\$1000.00) dollars, and community service of not less than five

(5) days but not more than thirty (30) days, or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment. In addition to the foregoing fines and penalties, any costs incurred by Pearl River County in cleaning litter, garbage, refuse, rubbish or trash which has been released, scattered, or spread by a person in violation of this ordinance, including the escape of any of said items from a vehicle or trailer will be assessed to the person, entity, landowner or operator of the vehicle found to be in violation of this ordinance; such costs may include the restoration of property damaged or defamed by acts which are in violation of this ordinance.

D. Clearing of Private Property.

Upon the failure, neglect, or refusal of any person so notified to properly dispose of litter, garbage, trash, refuse, rubbish or dismantled structures and components of mobile homes from their property within 30 days after issuance of proper corrective notice, the county may effect the removal of same and charge the owner of such property for the actual cost of removal pursuant to § 19-5-105 Mississippi Code Annotated as amended.

13. SEVERABILITY.

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

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not be affected thereby, and the validity of this Ordinance in any and all other respects shall not be affected thereby. The Board of Supervisors of the County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that this 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. The Board of Supervisors of the County do not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi.

14. ORDINANCE CUMULATIVE.

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

15. EFFECTIVE DATE.

The Board of Supervisors of Pearl River County do hereby find that it is necessary for the immediate and temporary preservation of the public cleanliness, health and safety that this Ordinance be made effective immediately. Accordingly, this Ordinance shall be in full force and effect from and after the date of its publication.

Picayune Item:
Sept. 15, 22 and 29, 2020
ORDINANCE