

Lafayette County, Mississippi

**UNAUTHORIZED DUMPING
AND
LITTER CONTROL ORDINANCE**

July 23, 2007

Lafayette County, Mississippi

**UNAUTHORIZED DUMPING AND LITTER CONTROL
ORDINANCE**

WHEREAS, the statutes of the state of Mississippi, Section 19-5-173, Mississippi Code of 1972, as amended and recompiled, empower the county to make regulations to secure the general health and welfare of the citizens of Lafayette County, Mississippi;

WHEREAS, it is goal of the Lafayette County Board of Supervisors to protect the public health, safety and welfare by regulating conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-harboring and/or disease-causing places, conditions, or objects;

WHEREAS, the Board of Supervisors, in all cases, do not intend results that are impossible to execute or unreasonable;

WHEREAS, the Board of Supervisors of Lafayette County has become aware of unauthorized dumping and littering on public and private property and county roadways in Lafayette County, Mississippi;

WHEREAS, said unauthorized dumping and littering on public and private property and county roadways degrade the environment and community, and causes environmental, health and safety hazards;

WHEREAS, the cost incurred by Lafayette County to clean up said unauthorized dumps and scattered litter creates an undue burden upon the taxpayers of Lafayette County; and

WHEREAS, Pursuant to Mississippi Code, Sections 17-17-5, 17-17-9, 17-17-17, 19-5-17, 19-5-105, 97-15-29, 97-15-30, and 97-15-31, the Board of Supervisors of Lafayette County has authority to enact such ordinances as necessary, to protect public interests and to establish and maintain a system of proper management of refuse, garbage and derelict property;

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

TABLE OF CONTENTS

ARTICLE I: GENERAL	<u>PAGE</u>
SECTION 1 – Title	4
SECTION 2 – Intent	4
SECTION 3 – Applicability	4
SECTION 4 – Enforcement	4
SECTION 5 – Definitions	5
ARTICLE II: CONTAINERIZATION AND CONTROL OF SOLID WASTE	
SECTION 1 – Containerization of Litter & Solid Wastes in Receptacles for Garbage Collection	6
SECTION 2 – County Residential Solid Waste Collection	7
SECTION 3 – Solid Waste Transportation	7
SECTION 4 – Penalties	8
ARTICLE III: PREVENTION OF LITTERING	
SECTION 1 – Littering Prohibited	8
SECTION 2 – Salvage Operations	8
SECTION 3 – Penalties FOR Littering	8
ARTICLE IV: PREVENTION OF UNAUTHORIZED DUMPING	
SECTION 1 – Unauthorized Dumping Prohibited	8
SECTION 2 – Penalties	8
SECTION 3 – Illegal Dump Clean Up	8
ARTICLE V: ENFORCEMENT	
SECTION 1 – Enforcement Procedure for Solid Waste Enforcement Officer	9
SECTION 2 – Appeal Procedure	10
SECTION 3 – Failure to Comply	10
ARTICLE VI: THREATS TO PUBLIC HEALTH & SAFETY	
SECTION 1 – Complaint by Petition	10
SECTION 2 – Individual Complaints	10
SECTION 3 – Examples	11
SECTION 4 – Failure to Comply	11
ARTICLE VII: OTHER PROVISIONS	
SECTION 1 – Conflict	11
SECTION 2 – Severability	12
SECTION 3 – Ordinance Cumulative	12
SECTION 4 – Effective Date	12
APPENDICES	
APPENDIX 1 – Consent Form: Clean Up Options For Illegal Dump Site	13
APPENDIX 2 – Written Complaint Form	14
APPENDIX 3 – Written Notice of Corrective Action	15
APPENDIX 4 – Certificate of Compliance	16
APPENDIX 5 – Petition for Property Clean Up	17

ARTICLE I: GENERAL

SECTION 1 – TITLE

This Ordinance shall be known as the **Lafayette County Unauthorized Dumping and Litter Control Ordinance**.

SECTION 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.

Further, it is the intent of the Board of Supervisors to cause the Lafayette County Solid Waste Enforcement Officer to properly notify the property owner(s), or if not the property owner, the person(s) responsible for violating this ordinance. Such notification shall be in writing with a clear explanation of the violation. Such written notification shall also explain options for resolution of the violation and allow adequate time for remediation. The Solid Waste Enforcement Officer shall be made available to work with the individual(s) and use all applicable regulations that may aid in the cleanup of litter and/or the disposal of illegal dumpsites. Upon request, the Board of Supervisors may also grant reasonable extensions for the time required for clean up.

SECTION 3 – APPLICABILITY

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

SECTION 4 – ENFORCEMENT

- A. Law enforcement officers of the county and the Solid Waste Enforcement Officer are hereby empowered to and shall enforce provisions of this ordinance.
- B. Any citizen of Lafayette County may file a sworn affidavit in Justice Court of Lafayette County to be taken against any party in violation of the ordinance.
- C. The Solid Waste Enforcement Officer (SWEO) or law enforcement officer of the county may initiate an investigation where the officer has sufficient probable cause to believe this ordinance is being violated.
- D. If the Solid Waste Enforcement Officer or law enforcement officer discovers an article of garbage bearing a person's, corporation's, company's, firm's, business's 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 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 they have been properly disposed of.

SECTION 5 – DEFINITIONS

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

- A. **Bulky Waste.** Stoves, water heaters, washing machines, furniture, household construction debris, and other waste materials other than Dead Animals, Hazardous Waste, and Stable Matter with weights or volume greater than those allowed for bags.
- B. **Commercial Waste.** Shall mean any and all accumulations of non-hazardous refuse, debris, and waste products generated by the operation of industries, stores, building contractors, offices, churches, public facilities, multifamily dwellings and other business establishments that are collected in industry standard front load containers.

- C. **Container.** The receptacle furnished by the owner or occupant for collecting and disposing of garbage that is appropriate in size and capacity. Said container shall be constructed in a manner appropriate for depositing, holding, and collecting garbage. It is required that such container be constructed so that litter or garbage cannot fall, drop, or be blown from the container.
- D. **Dead Animals.** Animals or portions thereof equal to or greater than 15 pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.
- E. **Garbage.** Every accumulation of waste (animal, vegetable and/or other matter) that results from the handling, packing, preparation, processing, consumption, dealing in, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including but not by way of limitation, used tin cans and other food containers; including all putrescible waste matter which is likely to attract flies or rodents) except (in all cases) any matter included in the definition of Bulky Waste, Dead Animals, Hazardous Waste, or Rubbish.
- F. **Hazardous Waste.** Waste in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriated State agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For purposes of this ordinance, the term Hazardous Waste shall also include motor oil, gasoline, paint, and appliances containing Freon.
- G. **Household Construction Debris.** Material discarded from do-it-yourself projects that by size or weight cannot be bagged or containerized.
- H. **Illegal / Unlawful / Unauthorized Dumping.** Any collection of solid waste exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume which is either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used, which tends to create a hazard to the public health, safety and welfare, or declared a public nuisance, per se, shall be considered as forming an illegal dump within the meaning of Miss. Code 17-17-1, et. seq., but not the careless, scattered littering of smaller individual items. An illegal dump shall also mean any solid waste disposal site that does not meet the regulatory provisions of Miss. Code Sec. 17-17-1, et seq.
- I. **Litter.** All garbage and rubbish, loosely strewn, uncollected, unpackaged, and uncontained which is unsightly and visible to areas outside the parcel upon which the litter is located and includes but is not limited to paper, bottles, cans, glass, crockery, plastic, rubber, waste building materials, disposable packages and containers.
- J. **Miscellaneous Yard Waste.** Outdoor furniture, wire, plastics, bicycles, toys, grills, or any other outdoor item that is not classified as rubbish or bulk vegetation. (See T. Yard Waste.)
- K. **Person.** Any person, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.
- L. **Private Property.** Any dwelling, house, building or other structure designed or used for private, commercial, or residential purposes, including any yard, grounds, acreage, vacant lots, walk, driveway, porch, steps, parking areas, vestibule, or mailbox belonging to such dwelling, house, building or other structure.
- M. **Public Road.** Any road or roadway that is maintained by a City, County, State or Federal government using public funds.
- N. **Public Property.** Any and all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds, buildings, and infrastructure.
- O. **Resident.** A person residing on the property, whether that person owns or leases the residence.
- P. **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar material. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like material, which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F.).
- Q. **Solid Waste.** All items contained in the definition of garbage, bulky waste, dead animals, stable matter, miscellaneous yard waste, rubbish, household construction debris, commercial construction debris, or commercial waste.

- R. **Solid Waste Enforcement Officer (SWEO).** A person appointed by the Board of Supervisors to manage the county Solid Waste Department, to enforce state laws related to solid waste, and to enforce the provisions of this ordinance.
- S. **Solid Waste Hearing Officer (SWHO).** A person appointed by the Board of Supervisors to hear appeals from those who receive the Written Notice of Corrective Action.
- T. **Yard Waste.** The leaves, grass cuttings, weeds, garden waste, tree limbs, and other vegetative wastes generated at residential, commercial, institutional, governmental, or industrial properties.

**ARTICLE II:
CONTAINERIZATION AND CONTROL OF SOLID WASTE**

SECTION 1 – COTAINERIZATION OF LITTER AND SOLID WASTES IN RECEPTACLES FOR GARBAGE COLLECTION

- A. It is unlawful for any person to deposit any materials in receptacles placed for public use as a depository for litter, recyclables, or solid wastes other than that specifically designated for that container.
- B. All persons that place their garbage in plastic bags or in containers for collection are responsible for unsightly garbage in and about the property owned, operated or controlled by said persons. Spillage and overflow of wastes around containers shall be promptly cleaned and properly disposed of.
- C. It shall be the responsibility of each person to keep his or her own property clean and free of garbage and any resulting litter. Any non-contained and uncontrolled accumulation of garbage on any public or private property is a violation of this ordinance.
- D. Persons owning or occupying property shall keep right-of-way areas in front of their premises free of garbage and yard waste.
- E. It shall be the responsibility of the resident or the owner or manager of a commercial or multi-family residential establishment to utilize a storage system that will include containers of adequate size and strength and in sufficient numbers to contain all solid waste that the residence or other establishment generates in the period of time between collections. The owner or, if leased, the lessee of the storage containers shall be jointly and severally responsible for compliance with this requirement.
- F. Any solid wastes resulting from construction, repair, or alteration of any building in the county shall be contained and removed in a timely manner at the expense of the contractor. All trees, tree limbs, and brush cut by a contractor or any person performing such task or any other yard wastes collected from the property shall either be managed on-site in accordance with state law or should be removed and properly disposed of at that person's expense.

SECTION 2 – COUNTY RESIDENTIAL SOLID WASTE COLLECTION

- A. County Responsibilities
 - 1. The county or its agent shall provide a method for curb-side collection of household garbage that has been prepared and contained in plastic garbage bags placed in covered receptacles.
 - 2. The county or its agent will maintain regular collection routes on particular days at particular times. The routes, days, and times of regular collections will be made known to the public.
 - 3. With the exception of temporary changes due to holidays, the county or its agent, with the approval of the Board of Supervisors, shall notify the public of any variation or changes in the regular collection schedule.
 - 4. The county or its agent will provide special pick up of bulky waste upon a specific request by the resident.
- B. Resident's Responsibilities
 - 1. Only household garbage, small furniture, or small appliances will be accepted for regular curbside collection.

2. Limbs, leaves, or other yard waste shall not be placed at the roadside for pick up.
3. All garbage must be placed in plastic garbage bags and placed in a covered container.
4. The weight limit for garbage bags is 35 pounds and the entire contents of the bag must be supported if held only at the top.
5. Waste spilled due to improper bagging or because the bag was not protected from animals shall be cleaned up by the resident within 24 hours.
6. Containers shall be placed within 5 feet of the county road right-of-way for pick up.
7. Containers placed for collection shall not block mailboxes.
8. In cases where the collection route causes the garbage truck to travel along the opposite side of the road from a residence, the resident should, if convenient, place containers on the side of the road along which the garbage truck travels.

SECTION 3 – SOLID WASTE TRANSPORTATION

- A. Any solid waste materials being transported by vehicle shall be secured in such a manner to prevent the materials from blowing, spilling, or falling from the vehicle.
- B. 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 the laws of the State of Mississippi.

SECTION 4 – PENALTIES

Waste spilled because of improper bagging or because the bag was not protected from animals must be cleaned up and re-bagged by the owner within 24 hours. Any person who fails to properly bag garbage or to clean up spilled garbage is in violation of this ordinance and is guilty of a misdemeanor and subject to a fine of \$25.00 for first occurrence, \$50.00 for second occurrence and upon the third and subsequent occurrences, \$100 plus a minimum of five (5) hours of community service work to be devoted to matters pertaining to beautification programs within the Lafayette County community.

**ARTICLE III:
PREVENTION OF LITTERING**

SECTION 1 – LITTERING PROHIBITED

It is unlawful for any person to throw, discard, or deposit litter, as defined herein, in any manner or amount in or upon any private or public 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.

SECTION 2 – SALVAGE OPERATIONS

It is unlawful for any person to operate a salvage operation without proper permitting from the Mississippi Department of Environmental Quality (MDEQ). Automotive Salvage yards with 5 or more vehicles must have a current and valid permit from MDEQ. Salvage operations recycling appliances containing Freon must have a current and valid license from MDEQ. Salvage operations involving the recycling of scrap metal and aluminum cans are not in violation of this ordinance.

SECTION 3 – PENALTIES FOR LITTERING

Any person found to be in violation of any provisions of this ordinance where the amount of litter and/or solid waste does not exceed fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume and where the activity generating the litter or solid waste is not for commercial purposes is guilty of littering and subject to the terms and conditions set forth in Mississippi Code, Section 97-15-29 and shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00).

**ARTICLE IV:
PREVENTION OF UNAUTHORIZED DUMPING**

SECTION 1 – UNAUTHORIZED DUMPING PROHIBITED

It shall be unlawful for any person to cause, create, or allow an unauthorized dump on any private or public property. Unauthorized dumps 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.

SECTION 2 – PENALTIES

- A. **Illegal Dumping (Misdemeanor).** Any person found to be in violation of any provisions of this ordinance where the amount of litter and/or solid waste exceeds fifteen (15) pounds or twenty-seven (27) cubic feet in volume, but does not exceed five hundred (500) pounds in weight or one hundred (100) cubic feet in volume and where the activity generating the litter or solid waste is not for commercial purposes is guilty of a misdemeanor and subject to the terms and conditions set forth in Mississippi Code, Section 97-13-30(3b) and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1000.00), or imprisonment for a term of not more than one (1) year, or both.
- B. **Illegal Dumping (Felony).** Any person found to be in violation of this ordinance where the amount of litter or solid waste exceeds five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, or in any amount or volume of solid waste where the activity generating the litter or solid waste was for commercial purposes, or in any amount of volume of hazardous waste, is guilty of a felony and subject to the terms and conditions set forth in Mississippi Code, 97-13-30 (c) and shall be subject to a fine of not less than Five Hundred Dollars (\$500.00) nor more than Fifty Thousand Dollars (\$50,000.00), or to imprisonment for a term of not more than five (5) years, or both. For purposes of the fine, each day shall constitute a separate violation.

SECTION 3 – ILLEGAL DUMP CLEAN UP

- A. The property owner shall be responsible to clean up the illegal dump.
- B. Upon a written request by the property owner certifying that they are financially or otherwise incapable of cleaning up the site, as per Mississippi Code 17-17-64(4), and upon approval by the Board of Supervisors, the County may clean up the illegal dumpsite. However, before such work may begin, a consent form for removal from private property must be fully executed. (See Appendix 1.)

**ARTICLE V:
ENFORCEMENT**

SECTION 1 – ENFORCEMENT PROCEDURE FOR SOLID WASTE ENFORCEMENT OFFICER

- A. Upon receiving a written complaint (See Appendix 2.) alleging unlawful litter or an illegal dump, the Solid Waste Enforcement Officer (SWEO) discusses the issue with the resident, property owner, or the person believed responsible to try and resolve the issue. For leased property, the SWEO will attempt to contact the tenant first and the owner only after attempts to work with the tenant does not result in compliance to this ordinance.
- B. If, after investigating an alleged illegal dump site or litter problem, the SWEO believes further action should be taken and, if the issue cannot be resolved, the SWEO shall issue a Written Notice of Corrective Action. (See Appendix 3.) The Written Notice of Corrective Action may be issued to suspected violators of this ordinance in lieu of citation or arrest.
 - 1. Notices shall be mailed by Certified Mail, return receipt requested, to the suspected violator's last known place of residence and shall be deemed personal service upon the person for the purpose of this ordinance.

2. Notices shall include the date issued, a description of the alleged offense committed, and an explanation of the corrective measures to be taken, and the date and time by which such corrections shall be made.
 3. The issuing authority of notifications shall retain all such notices issued and make these available for public inspection during normal office hours.
- C. If the person notified of a suspected violation does not contest the Written Notice of Corrective Action, and completes the corrective measures within the time specified, the Solid Waste Enforcement Officer will issue a Certificate of Compliance certifying that the suspected violation no longer exists. (See Appendix 4.)

SECTION 2 - APPEAL PROCEDURE

- A. If the person notified of an alleged violation wishes to contest the Written Notice of Corrective Action, they must submit in writing, within 10 days of receipt by registered mail of the Written Notice of Corrective Action, a request for a hearing to the Lafayette County Solid Waste Hearing Officer.
1. The Solid Waste Hearing Officer shall schedule a meeting date within 15 days from receipt of a request for a hearing.
 2. The Solid Waste Hearing Officer after considering all evidence shall make a ruling that dismisses the alleged violation or affirms the issuance of the Written Notice of Corrective Action.

Note: The cost of the hearing shall be a charge to Lafayette County upon dismissal of the alleged violation, or a charge to the person(s) that requested the hearing upon a ruling that requires remediation. The Solid Waste Hearing Officer may grant an extension of time for remediation upon considering justifying circumstances.

SECTION 3 – FAILURE TO COMPLY

Any person who has been served a written notice of corrective action in accordance with the provisions of this ordinance, and who shall neglect, refuse or 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. The Solid Waste Enforcement Officer shall file an affidavit with the appropriate court of jurisdiction for prosecution.

ARTICLE VI: THREATS TO PUBLIC HEALTH AND SAFETY

SECTION 1 – COMPLAINT BY PETITION

- A. Any resident of Lafayette County may present a written petition (See Appendix 5.) to the Board of Supervisors to order the clean up of private property that presents a threat to the health and safety of Lafayette County residents. The petition must contain the signatures of a majority of those tenants, households, and/or owners of parcels within 750 feet of the alleged violating property.
- B. Upon receipt of a petition, the Board of Supervisors will order a hearing and give notice of the complaint and hearing to the involved tenant and/or property owner in accordance with Mississippi Code Section 19-5-105.

SECTION 2 – INDIVIDUAL COMPLAINTS

Individuals may initiate an investigation by filing a written complaint (See Appendix 2.) with the Solid Waste Enforcement Officer alleging that the conditions of a parcel of land constitutes a menace to the health, safety, and welfare of the adjacent community.

- A. Upon receipt of the complaint, the Solid Waste Enforcement officer will investigate the matter and confer with the members of the Board of Supervisors. If the Solid Waste Enforcement Officer determines that there is substantial evidence to believe that the condition of such property does pose a menace to the health, safety, and welfare of the local community, he will recommend that the Board of Supervisors convene a hearing in accordance with Miss. Code Section 19-5-105.

- B. All documents maintained by the County under this ordinance, including petitions and individual complaints, are public records subject to disclosure under the Public Records Act. However, in the event a complainant or complainants request(s) that the complaint or petition and/or their identity not be disclosed by the County in accordance with Miss. Code Ann. Sec. 45-29-1, the Board of Supervisors will immediately determine whether to maintain confidentiality based on the factors delineated in Section 45-29-1.

SECTION 3 – EXAMPLES

Examples of littering and dumping conditions on private property that may be considered illegal and declared a menace to the public health and safety of the community:

- A. Properties that contain items that hold water and make a good mosquito-breeding habitat. Example: open barrels, tires, etc.
- B. Buckets, drums, containers, or other items that hold oil or other liquids that may spill, drip, or leak and, if rained upon, may spill over and contaminate the soil.
- C. Material that is fly producing, rat harboring, and/or is odorous.
- D. Loose material of significant volume that may be blown onto county road right-of-way or neighboring property.
- E. Objects that create a condition that may be expected to attract children and constitute a danger to their safety.
- F. Hazardous, toxic, or radioactive waste as defined by the Mississippi Department of Environmental Quality or the federal Environmental Protection Agency, including appliances that contain Freon, e.g., refrigerators and air conditioners.
- G. Discarded dead animals weighing 15 pounds or more that may be infectious or odorous.
- H. Burning of garbage as per Mississippi Code 17-17-9.
- I. Unauthorized discharge to state waters. It shall be unlawful for any person to throw, discard or deposit garbage, rubbish, yard waste or other solid wastes into any river, creek, stream, water drainage way, or in any other manner that would result in the wash out of wastes into state waters.

SECTION 4 – FAILURE TO COMPLY

- A. If a Written Notice of Corrective Action is issued and the condition described is not resolved within 30 days, the property owner will be ordered to appear before the Board of Supervisors for a show cause hearing.
- B. If the Board of Supervisors finds that the condition on the property constitutes a menace to the health and safety of the community, the Board can order the property owner to clean up his property.
- C. Upon the failure or refusal of any person so notified to properly dispose of garbage, rubbish and/or yard waste from their property within 30 days after issuance of proper corrective notice, the Board of Supervisors may effect the removal of said garbage, rubbish, and/or yard waste and charge the owner of such property for the actual cost of removal pursuant to Miss. Code 19-5-105 and such assessment may be a lien against the property.

ARTICLE VII: OTHER PROVISIONS

SECTION 1 – CONFLICT

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

SECTION 2 – SEVERABILITY

Severability is intended throughout and within the provisions of this Unauthorized Dumping and Litter Control 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 the Unauthorized Dumping and Litter Control 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 Unauthorized Dumping and Litter 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.

SECTION 3 – ORDINANCE CUMULATIVE

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

SECTION 4 – NON-EXCLUSIVE REMEDY

The standards and procedures set forth in this ordinance are non-exclusive and therefore citizens and the County may simultaneously proceed under one or more Article(s) as to any single condition as deemed appropriate.

SECTION 5 – EFFECTIVE DATE

The Board of Supervisors of the County does hereby find that it is necessary for the immediate and temporary preservation of the public cleanliness, health and safety that this Unauthorized Dumping and Litter Control Ordinance be made effective immediately. Accordingly, this Unauthorized Dumping and Litter Control Ordinance shall be in full force and effect from and after the twenty-third day of July 2007, of its enactment, and the Clerk is directed to publish notice accordingly.

SO ORDERED AND ADOPTED by the Board of Supervisors of Lafayette County of Mississippi, on this the twenty-third day of July 2007.

Johnny Morgan, President
Lafayette County Board of Supervisors

ATTEST:

Sherry Wall
Chancery Clerk

SEAL

APPENDIX 1

**Lafayette County, Mississippi
CONSENT FORM:
CLEAN UP OPTIONS for ILLEGAL DUMP SITE**

INSTRUCTIONS: Please fill in property information below, and then check Option 1 or Option 2. Deliver this completed form to the Lafayette County Solid Waste Enforcement Officer at the Lafayette County Chancery Building, 300 N. Lamar Blvd. (If by mail, P.O. Box 1240, Oxford, MS 38655.)

_____ **Option 1:**
I (We) certify that the illegal dumpsite shall be cleaned up and disposed of legally (subject to inspection) within thirty (30) days after receipt of the certified mail notice from Lafayette County.

_____ **Option 2:**
I (We) certify that I (we) are financially or otherwise incapable of cleaning up the site (explain below), as per Mississippi Code 17-17-64(4), and agree to allow Lafayette County personnel and equipment access to my (our) property. By marking this option and signing below I (we) agree that Lafayette County shall not be liable for any personal property damages including, but not limited to, trees, shrubs, fences, roads, grounds, utilities or any other damage caused by the removal or burying of the debris.

For Option 2, please provide below an explanation why the property owner is financially or otherwise incapable of cleaning up the illegal dump:

Owner's Name (print)

Co-Owner's Name

Owner's Signature

Co-Owner's Signature

Date

Date

Owner's Street Address or P.O. Box

Co-Owner's Street Address or P.O. Box

Owner's City, State, Zip Code

Co-Owner's City, State, Zip Code

Owner's Telephone Number

Co-Owner's Telephone Number

APPENDIX 2
Lafayette County, Mississippi
WRITTEN COMPLAINT FORM
REQUESTING INVESTIGATION OF UNLAWFUL LITTERING OR DUMPING

PURPOSE:

The purpose of this form is to assist citizens of Lafayette County to submit written complaints to the county Solid Waste Enforcement Officer. Use of this form is optional and written notice does not have to be given on this form.

INSTRUCTIONS:

1. Fill in date, property address, and complainant information below.
2. Provide a brief description of the problem. (Include photographs if possible.)
3. Deliver this complaint form to the Lafayette County Solid Waste Enforcement Officer, Lafayette County Chancery Building, 300 N. Lamar Blvd., Oxford. (If by mail, P.O. Box 1240, Oxford, MS 38655.)

Date: _____

I am requesting an investigation by the Lafayette County Solid Waste Enforcement Officer of the property at (address) _____.

Problem Description:

Complainant Information:

Name (printed)

Address

Address

Signature

APPENDIX 3
Lafayette County, Mississippi
Solid Waste Department
WRITTEN NOTICE OF CORRECTIVE ACTION

To: _____
Property Owner _____ Date of issue _____
Street Address _____ City, State, Zip Code _____

Dear Property Owner:

Lafayette County has received a complaint about a possible violation of the Lafayette County Unauthorized Dumping and Litter Control Ordinance (County Ordinance) on your property.

An investigation has confirmed the condition or conditions checked below exist on your property within the political boundaries of Lafayette County.

- Your property contains an illegal dump with the amount of solid waste on your property exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume, the maximum amount allowed per Mississippi Code, 97-13-30(3b). (See County Ordinance Article II, Section 1.)
- Your property contains an illegal dump with the amount of solid waste on your property exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, the maximum amount allowed per Mississippi Code, 97-13-30(3b). (See County Ordinance Article II, Section 1.)
- Your property contains excessive uncontained litter. (See County Ordinance Article II, Section 2.)
- You are operating a salvage business on your property without a valid SWPP permit from Mississippi Department of Environmental Quality (MDEQ). (See County Ordinance Article II, Section 3.)

If you believe that you are not in violation of the Lafayette County Unauthorized Dumping and Litter Control Ordinance, you may appeal this Written Notice of Corrective action by contacting the Solid Waste Enforcement Office in writing within 10 days and request a hearing with the Solid Waste Hearing Officer.

As the property owner, you must take all corrective actions checked below:

- Clean up your property within 30 days of the "Date of Issue" above to bring it into compliance with the County Ordinance. Deadline for completion: _____.
- Obtain a SWPP permit from MDEQ to operate a salvage yard within 30 days of the "Date of Issue" above to bring it into compliance with the County Ordinance. Deadline for completion: _____.

After you have completed the corrective actions checked above, you must notify the county Solid Waste Enforcement Officer (SWEO). If you are no longer in violation, the SWEO will issue a certificate of compliance to provide documentation that you have corrected the problem.

If you are financially or otherwise unable to clean up your property and you can certify that person(s) unknown to you created the dump, Mississippi Code 17-17-65(4) allows you to request assistance from the Lafayette County Board of Supervisors. This option requires that you submit an application form (Clean Up Options for Illegal Dump Site), that funding is available, and that your request is approved by the Lafayette County Board of Supervisors.

If you do not complete the corrective actions checked above, the county SWEO will file an affidavit with a court of competent jurisdiction for your case.

Signed,

Lafayette County Solid Waste Enforcement Officer

Telephone

APPENDIX 4

Lafayette County, Mississippi
Solid Waste Department
CERTIFICATE OF COMPLIANCE

To: _____
Property Owner
Date of issue

Street Address
City, State, Zip Code

Dear Property Owner:

Regarding the Written Notice of Corrective Action you received on (date) _____, you have now satisfactorily completed the corrective actions requested.

Signed,

Lafayette County Solid Waste Enforcement Officer
Telephone _____

APPENDIX 5

**PETITION TO THE LAFAYETTE COUNTY BOARD OF SUPERVISORS
REQUESTING PROPERTY CLEAN UP**

INSTRUCTIONS:

4. Fill in date.
5. Fill in property address.
6. Provide a brief description of the problem. (Include photographs if possible.)
7. Collect signatures of at least 50% of the adjacent property owners (those who own property within 750 feet of the property alleged to have a violation).
8. Deliver this petition to the County Administrator, Room 222, Lafayette County Chancery Building, 300 N. Lamar Blvd.

Date: _____

We, the undersigned residents of Lafayette County, are petitioning the Board of Supervisors to order the clean up of the property at (address) _____.

Problem Description:

Signatures:

Name	Address
Name	Address
Name	Address
Name	Address
Name	Address
Name	Address
Name	Address